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THE

MAP OF AFRICA BY TREATY.

(SECOND AND REVISED EDITION.)

VOL. II.

GREAT BRITAIN & FRANCE

TO

ZANZIBAR.



Nos. 103 TO 208.

With amended Maps.

BY

SIR EDWARD HERTSLET, K.C.B.

Compiler and Editor of the "Map of Europe by Treaty;" "Hertslet's Commercial Treaties;" the "British and Foreign State Papers;" the "Foreign Office List," &c.

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GREAT BRITAIN AND FRANCE.

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No. 103.—*TREATY of Peace between Great Britain and France respecting the Cessions of Territories and Boundary, &c., on the West Coast of Africa. Signed at Versailles,* 3rd September,* 1783.

Cession of Senegal, Portendic, &c., to France.

ART. IX. The King of Great Britain cedes, in full right, and guarantees to His Most Christian Majesty the River Senegal and its Dependencies, with the Forts of St. Louis, Podor, Galam, Arguin,† and Portendic; and His Britannic Majesty restores to France the Island of Gorée, which shall be delivered up in the condition it was in when the conquest of it was made.

Guarantee of British Possession of the River Gambia, &c.

ART. X. The Most Christian King, on his part, guarantees to the King of Great Britain the possession of Fort James, and of the River Gambia.

Boundary Commissioners to be Appointed.

ART. XI. For preventing all discussion in that part of the world, the two High Contracting Parties shall, within three months after the exchange of the Ratifications of the present Treaty, name Commissioners, who shall be charged with the settling and fixing of the Boundaries of the respective possessions.

Gum Trade.

As to the Gum Trade, the English shall have the liberty of carrying it on, from the mouth of the River St. John to the Bay and Fort of Portendic inclusively.‡ Provided that they shall not form any permanent settlement, of what nature soever, in the said River St. John, upon the coast, or in the Bay of Portendic.

Access of British and French Subjects to African Coast.

ART. XII. As to the remainder of the Coast of Africa, the English and French subjects shall continue to resort thereto, according to the usage which has hitherto prevailed.

* Chalmers' Treaties, vol. i, p. 500.

† Ceded by the Netherlands to France, 13th January, 1727 Le Clercq, vol. xv, p. 1.

‡ See Prussian Award, 30th November, 1843, p. 541. See also Convention, 7th March, 1857, p. 544.

[French Factories, &c. British Possessions:—Mauritius, Les Séchelles, &c.]

No. 104.—*DEFINITIVE TREATY of Peace between Great Britain, &c., and France, Signed at Paris, 30th May, 1814.**

Restoration of certain Colonies to France, &c. French Factories, &c., in Africa.

ART. VIII. His Britannic Majesty, stipulating for himself and his allies, engages to restore to His Most Christian Majesty, within the time which shall be hereafter fixed, the Colonies, Fisheries, Factories, and Establishments of every kind which were possessed by France on the 1st January, 1792, in the Seas and on the Continents of America, AFRICA, and Asia.

Isle of France (Mauritius), Rodrigues, Les Séchelles.

With the exception, however, of the Islands of Tobago and St. Lucia, and of the Isle of France and its Dependencies, especially Rodrigues and Les Séchelles, which several Colonies and Possessions His Most Christian Majesty cedes in full right and sovereignty to His Britannic Majesty, and also the Fortress of St. Domingo, ceded to France by the Treaty of Basle,* and which His Most Christian Majesty restores in full right and sovereignty to His Catholic Majesty.

* Confirmed by Art. XI of General Treaty of Paris of 20th November, 1815. Hertslet's "Map of Europe by Treaty," vol. i, p. 349.

No. 105.—*AWARD of the King of Prussia, on the Claims of British Subjects against France, arising out of Measures adopted by the French Authorities in* 1834 *and* 1835, *on the Coast of Portendic. Berlin,* 30*th November,* 1843.

In 1834 and 1835 war ensued between France and the Trarza Moors, and the measures adopted by the French Government gave rise to numerous Claims on the part of British Merchants engaged in the Gum Trade on that Coast.* As no understanding could be arrived at between the British and French Governments with regard to the settlement of those Claims, it was ultimately agreed, by a Declaration signed on the 14th November, 1842,† to refer the differences which had arisen to the arbitration of the King of Prussia, and the following is a copy of His Majesty's Award:—

(Translation as laid before Parliament.†)

We, Frederick William IV, by the grace of God King of Prussia,

Having accepted the Arbitration which Her Majesty the Queen of Great Britain and Ireland and His Majesty the King of the French committed to our hands, in virtue of a Declaration signed by their respective Plenipotentiaries at Paris on the 14th of November, 1842,‡ in order, by this means, to terminate the difference which has arisen between them on the subject of certain Claims made by British merchants against the French Government, in consequence of the measures adopted by the French authorities in 1834 and 1835 on the Coast of Portendic;

And having, according to the terms of the said Declaration, to decide, as Arbitrator, upon the question, whether, in consequence of the measures and circumstances which preceded, accompanied or succeeded the establishment and Notification

* See Treaty, 3rd September, 1783, p. 539.
† S. P., vol. xxxiv, p. 1064; H. T., vol. viii, p. 992.
‡ For French version, see "State Papers," vol. xlii, p. 1377.

of the Blockade of the Coast of Portendic in 1834 and 1835, a real damage has been unduly occasioned to such or such subjects of Her Britannic Majesty carrying on a regular and lawful traffic upon the said Coast, and whether France is in justice bound to pay such or such class of the said Claimants Indemnifications in proportion to this damage;

Having, to this end, carefully examined and maturely weighed the contents of the despatches, notes, and other documents which the Envoys Extraordinary and Ministers Plenipotentiary of their said Majesties at our Court have respectively transmitted, under date of the 19th of April last, to our Minister of Foreign Affairs;

We declare that:—

As to the Claims resulting from the proceedings of the French brig of war "Le Dunois," towards the British merchant vessels the "Governor Temple" and the "Industry";

We are of opinion—

That the French Government ought to Indemnify the subjects of Her Britannic Majesty for the losses which they have suffered in consequence of the said proceedings, with the exception, however, of those to which the Claim relates which has been set up relative to the assistant supercargo of the British ship the "Matchless."

As to the losses occasioned by the measure to which the British merchant vessel the "Eliza" was subjected on the part of the French ships of war which sent her away from Portendic without permitting her first to take on board there the cargo of gum due to her in exchange for goods already delivered to the Moors, sellers of the gum;

We are of opinion—

That France is equitably bound to pay an Indemnity in proportion to those losses.

As to the other Claims relative to the placing the Coast of Portendic in a state of Blockade by the French Government;

We are of opinion—

That France ought to Indemnify the Claimants for the damages and losses to which they would not have been exposed if the said Government, when it sent to the Governor of

Senegal the order to establish the Blockade, had simultaneously Notified that measure to the British Government; that France, on the contrary, notwithstanding the omission of such official Notification of the Blockade does not owe any Indemnification for the losses incurred in consequence of commercial enterprises in which the Claimants engaged after they had, through other channels, positive knowledge of the formation of the Blockade of Portendic, or might, at least have been informed of it in consequence of authentic information in this respect received by the British Government from some British authority in Africa.

With respect to the application of the Award, which we have just delivered, to the individual Claims, as also with respect to the determination of the amount of each of those to which an Indemnification ought to be allowed, these must be performed in conformity with the Declaration of the 14th of November, 1842,* by Commissioners of Liquidation, the one English, the other French, subject to the Arbitration between them in case of need, of an Umpire, whom we shall have to appoint.†

Done in duplicate, and given under our Royal Seal, at Berlin, this 30th day of November, in the year of our Lord 1843.

(L.S.) FREDERICK WILLIAM R.

Bulow.

* S. P., vol. xxxiv, p. 1064; H. T., vol. viii, p. 992.

† The Decisions of the Umpire on this Award were dated Berlin, 20th June, and 3rd Oct., 1844. S. P., vol. xxxiv, pp. 1102, 1105.

No. 106.—*CONVENTION between Great Britain and France relative to Portendic and Albreda. Signed at London, March* 7, 1857.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, being desirous to prevent all future cause of misunderstanding with regard to the right of trading at and near Portendic, on the West Coast of Africa, and at Albreda, in the River Gambia, asserted or assumed respectively by the Governments or subjects of Great Britain and France, have resolved to conclude a Convention for that purpose, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs; and the Right Honourable Henry Labouchere, a Member of Parliament, Her Britannic Majesty's Principal Secretary of State for the Colonies; and His Majesty the Emperor of the French, the Sieur John Gilbert Victor Fialin, Count of Persigny, his Ambassador to Her Britannic Majesty; who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:—

Surrender of British right to trade from Mouth of St. John River to Portendic.

Art. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland relinquishes the right hitherto enjoyed, under Treaty, by the subjects of Her Britannic Majesty, of trading from the mouth of the River St. John to the Bay and Fort of Portendic, inclusively.†

* Signed in the English and French languages.

† See Treaty, 3rd September, 1783, p. 539.

Cession of Albreda to Great Britain.

ART. II. His Majesty the Emperor of the French cedes to Her Britannic Majesty the French factory or *comptoir* at Albreda, on the north bank of the River Gambia, on the Western Coast of Africa, together with all possessory or other rights whatever appertaining to the said factory.

French Trade on the River Gambia.

ART. III. Her Britannic Majesty consents that French subjects shall have free access to the River Gambia for the purposes of their commerce.

Right of French Subjects to reside at Bathurst, and elsewhere by permission.

They shall be allowed to reside at the town of Bathurst, and at such other trading station or stations as may hereafter be appointed by Her Britannic Majesty in Council, but not elsewhere;

Albreda.

Except so far as regards Albreda, where such French subjects as are now resident, and may wish to remain, are authorized so to do by Article IV of the present Convention: conforming themselves, however, to the laws and local regulations which are or may be in force in the British Settlements in the Gambia.

Duties on French Vessels trading in the River Gambia.

French vessels in the River Gambia shall be subject to the same duties, tolls, and regulations as British vessels; and every article imported or exported in French vessels shall pay the same duty as is or may be imposed upon the like article when imported or exported in British vessels.

French Consular Agent at Bathurst.

The French Government shall be allowed to maintain a Consular Agent at Bathurst; it being clearly understood that

such Consular Agent must first be approved and admitted in the usual manner by the Government of Her Britannic Majesty.

Protection of Persons and Property of French Subjects remaining at Albreda.

ART. IV. French subjects already settled at Albreda, and who may wish to remain there after the cession to Her Britannic Majesty of the French factory or *comptoir*, shall preserve their property, and the rights attached thereto, and shall be protected and treated in all respects in the same manner as all other French subjects in the Possessions of Her Britannic Majesty.

ART. V.—*Convention to be ratified.**

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at London, the 7th day of March, in the year of our Lord, 1857.

(L.S.) CLARENDON.
(L.S.) HENRY LABOUCHERE.
(L.S.) F. DE PERSIGNY.

* Ratifications exchanged at London, March 25, 1857.

[This Convention was carried into effect by Act of Parliament, 21 and 22 Vict., c. 35. 1858. H. T., vol. x, p. 770.]

No. 107.—*DECLARATION between Great Britain and France, engaging, reciprocally, to respect the Independence of the Sultans of Muscat and Zanzibar.** *Signed at Paris, 10th March,* 1862.†

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, taking into consideration the importance of maintaining the independence of His Highness the Sultan of Muscat and of His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the independence of these Sovereigns.‡

The Undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at the Court of France, and the Minister Secretary of State for Foreign Affairs of His Majesty the Emperor of the French, being furnished with the necessary powers, hereby declare, in consequence, that their said Majesties take reciprocally that engagement.

In witness whereof, the Undersigned have signed the present Declaration, and have affixed thereto the Seals of their Arms.

Done at Paris, the 10th March, 1862.

(L.S.) COWLEY.
(L.S.) E. THOUVENEL.

* Signed also in the French language. See S. P., vol. lvii, p. 785.

† Acceded to by Germany, 29th October, 1886. See Great Britain and Germany, 29th October—1st November, 1886, p. 615. Modified by Arrangement with France 5th August, 1890, p. 570.

‡ See Correspondence, May—August, 1861. S. P., vol. lvi, p. 1396.

No. 108.—*NOTES exchanged between the British and French Governments respecting the maintenance of Treaty Rights of Foreign Powers in Tunis. May*, 1881.*

(1.) *M. Barthélemy St. Hilaire to Lord Lyons.*

Maintenance of all existing Conventions.

(Extract.) *Paris, 16th May*, 1881.

You wish first of all to place on record that I stated to you that the Conventions existing between Tunis and foreign Powers would be maintained and respected. I repeat this assurance to you with greater pleasure because, by a special Article of our Treaty with the Bey,† the French Representative guarantees the execution of all the Conventions of this kind which now exist. It is true that in our recent conversations I spoke to you incidentally of the possibility of a revision of some of these Conventions.

The frankness with which I explained myself to you led me naturally to foresee an occurrence of this kind, for I could not conceal from myself nor conceal from your Excellency the obligations which will devolve by the force of circumstances upon the French Government in consequence of the position which is henceforward assigned to it in Tunis. It is quite evident that, just as the English Government, when it has assumed the responsibility of the administration of foreign countries, has considered that it was bound to alter the existing state of things, and to procure for the populations of which it assumed the guardianship the advantage of a civilized and regular Government, so also France, in whose hands the superintendence of affairs in Tunis is now placed, cannot shirk the duty of inviting that country to share the benefits which our administration has already conferred upon Algeria. But it is no less clear that this work can only be accomplished gradually, and that much time would still be required before Tunis is

* See also Tunis and France, p. 905.

† H. T., vol. xviii, pp. 1160—1163; S. P., vol. lxxiii, pp. 489—495.

placed in a position to share a Government similar to that of European nations. In any case, if the improvements which we have in view can only be obtained at the price of certain changes which would affect a state of things assured to-day by Conventions concluded with foreign Powers, our firm resolve is never to proceed with the necessary changes except in agreement with those Powers, and in virtue of a friendly understanding with them.

Confirmation of Rights and Privileges.

The rights and privileges, commercial and otherwise, enumerated in your Excellency's note will therefore be maintained intact so far as they are guaranteed by Treaties until fresh Conventions, fully agreed to, are substituted for the existing arrangements.

Creditors on Tunis.

As regards specially the creditors of the Regency, it is certain that the securities which they actually hold will not be in any way impaired, but, on the contrary, we will do our utmost to strengthen them as much as possible.

(2.) *Earl Granville to M. Challemel-Lacour.**

M. l'Ambassadeur, *Foreign Office, 20th May*, 1881.

Her Majesty's Government have had under their consideration the notes from M. Barthélemy St. Hilaire on the subject of Tunis, of which copies have been received by Her Majesty's Ambassador at Paris, and have also doubtless been furnished to your Excellency.

In his note of the 14th instant, M. Barthélemy St. Hilaire expresses his sincere satisfaction at the friendly communication which Lord Lyons had made to him on the 10th instant in accordance with my instructions, and states that he is per-

* S. P., vol. lxxiii, p. 495.

sonally happy to think that the explanations which on several occasions he has communicated to his Excellency on the nature and object of the French operations in Tunis have had the effect of causing the enterprise to be regarded in its true light by Her Majesty's Government; and he remarks that the Treaty with Tunis, the substance of which he has communicated to his Excellency, will be readily recognized as in no way affecting the privileges legitimately possessed by other countries.

M. Barthélemy St. Hilaire concludes by expressing the thanks of his Government for the assurances of good-will and courteous offers which Lord Lyons conveyed to him.

Her Majesty's Government are happy to receive and to reciprocate these expressions of friendly feeling. It would be difficult to overrate the importance they attach to the excellent relations which exist between this country and France, the value of which is not confined to the respective nations; but they would be wanting in frankness if they allowed M. Barthélemy St. Hilaire to remain under the impression that the proceedings of the French in Tunis have produced a favourable effect on public opinion in this country.

French Protectorate of Tunis.

Her Majesty's Government do not wish to lay too much stress on the inconsistencies of language in conversation, or on the various reasons which have been given at Paris and at Tunis for French intervention, first as a protection against the alleged designs of the Sultan for the Bey's deposition, and secondly for the punishment of the turbulent frontier tribes. But it can hardly be doubted that the Treaty with Tunis goes far beyond any question of the security of the frontier, and amounts practically to a Protectorate, which they understood to have been disclaimed.

Maintenance of existing Conventions between Tunis and Foreign Powers.

Her Majesty's Government, however, readily acknowledge the assurance repeated by M. Barthélemy St. Hilaire in his note

of the 16th instant that all existing Conventions between Tunis and foreign Powers will be maintained and respected, and this all the more readily because by Article IV of the Treaty with the Bey the French Republic guarantees their execution. Commercial and other rights and privileges will, therefore, remain undisturbed in so far as they are guaranteed by Treaties, unless new Conventions, freely entered into, shall be substituted for the existing arrangements.

Her Majesty's Government take note of this assurance, which they regard as an international engagement, binding upon the French Government in the future.

In order that there may be no misapprehension hereafter, Her Majesty's Government desire explicitly to state that the General Convention of the 19th July, 1875,* between the Governments of Great Britain and Tunis, is and remains in force. This Treaty secures to British subjects, vessels, commerce, and navigation all the privileges, favours, and immunities which might then or thereafter be granted to the subjects, vessels, commerce, and navigation of any other nation whatever. It therefore extends to Great Britain all the advantages conceded by the Bey in other Treaties, including the Treaty between France and Tunis, of the 8th August, 1830,† of which Article VII is as follows:—"Les Capitulations faites entre la France et la Porte, de même que les anciens Traités et Conventions passés entre la France et la Régence de Tunis, et nommément le Traité du 15 Novembre, 1824,‡ seront confirmés et continueront à être observés, dans toutes celles de leurs dispositions, auxquelles le présent Acte ne dérogerait pas."]

Most-favoured-nation Treatment; Import Duties; Navigation Dues.

I have to call your Excellency's special attention to the article of the Treaty of 1875 containing the stipulation of most-favoured-nation treatment, as well as to the VIIth Article, by which the Bey engaged not to prohibit the im-

* S. P., vol. lxvi, p. 93.
† S. P., vol. xix, p. 1050.
‡ 21st May, 1824. S. P., vol. xiv, p. 712.

portation into the Regency of any article the produce and manufacture of the British dominions, and that the duties to be levied on such articles should not exceed 8 per cent. *ad valorem*, or an equivalent specific duty fixed by common consent; and also to the XVIIIth Article, providing for most-favoured-nation treatment in regard to harbour, pilotage, light-house, or quarantine dues.

Financial Commission.

It must not, however, be understood that by specially mentioning these Articles the force of the remaining articles of the Treaty is in any way to be considered as being in any degree impaired by Article VII of the Treaty of the 12th instant:—

"Le Gouvernement de la République Française et le Gouvernement de Son Altesse Bey de Tunis se réservent de fixer d'un commun accord les bases d'une organisation financière de la Régence, qui soit de nature à assurer le service de la Dette Publique et à garantir les droits des créanciers de la Tunisie."

If the agreement proposed to be entered into with the Bey is intended to change the constitution of the Financial Commission established by the Bey's Decree of the 5th July, 1869, after preliminary agreement between the Governments of Great Britain, France, and Italy, and in which British creditors are represented, Her Majesty's Government think that an opportunity should be given to the creditors of expressing their views on the subject.

Non-annexation by France of Bizerta or of any other Tunisian Port.

Her Majesty's Government observe, M. l'Ambassadeur, that M. Barthélemy St. Hilaire repudiates all idea of the annexation by France of the port of Bizerta, or any port whatever of Tunis; and although he indicates the possibility of encouraging the improvement of the port by private enterprise, he declares that it in no way enters into the projects of the French Government to expend, at the present time, the

enormous sums and to commence the immense works necessary for making this position a military port.

Right of British Ships to use Bizerta as a Commercial Port.

I do not think it necessary, M. l'Ambassadeur, to enter into the question of the possible value of Bizerta as a commercial port, further than to observe that if the channel from the sea to the lake is deepened, so as to give access for large vessels, British ships will have, under the Treaty of 1875, a right to use it without being subjected to any higher dues than French or Tunisian vessels.

Her Majesty's Government feel confident that M. Barthélemy St. Hilaire will appreciate the friendly intentions of Her Majesty's Government in being thus explicit in their views with regard to the rights of British subjects under existing Treaties, and will accept it as a proof of their earnest desire to prevent any occasion of future misapprehension, and to maintain the good understanding which has so long happily subsisted between the two countries.

I have, &c.,
GRANVILLE.

On the 15th October, 1889, an Order in Council was passed entitled the "Africa Order in Council, 1889," but by § 6, Tunis (as well as certain other territories in Africa which were named) was expressly excluded from its local jurisdiction.*

* H. T., vol. xviii, p. 3.

No. 109.—*CONVENTION between Great Britain and France for the Settlement of Territorial Limits to the North of Sierra Leone. Signed at Paris, June* 28, 1882.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the French Republic, being desirous of settling, in a satisfactory manner, certain questions which have arisen with regard to the extent and limits of the territories occupied or claimed by Great Britain and France respectively in the vicinity of Sierra Leone, on the West Coast of Africa, have, with the view of concluding arrangements for that purpose, named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Viscount Lyons, Her said Majesty's Ambassador Extraordinary and Plenipotentiary to the Government of the French Republic, &c.; and the President of the French Republic, M. Louis Charles de Saulces de Freycinet, Minister of Foreign Affairs, &c.; who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon the following Articles:—

Line of Demarcation between British and French Possessions to the North of Sierra Leone.

Art. I. The line of demarcation between the territories occupied or claimed by Great Britain and France respectively to the north of Sierra Leone, on the West Coast of Africa, shall be drawn between the basins of the Rivers Scarcies and Mellicourie.

The exact position of the said line of demarcation shall be determined by inquiry on the spot, by Commissioners to be appointed for that purpose in the manner provided in Article VII of the present Convention.†

* S. P., vol. lxxvii, p. 1007. See p. 585.

† See also Arrangement of 10th August, 1889, p. 558, and Annexes, p. 564.

British Control over Scarcies Rivers and French Control over Mellicourie River.

The said line of demarcation shall, however, be drawn in such a manner as to insure to Great Britain the complete control of the Scarcies Rivers and to France the complete control of the Mellicourie River.

Point and Factory of Mahela.

The Point and Factory of Mahela and the adjacent water communication shall belong to the nation to which, by the aforesaid inquiry, their possession may be found necessary for the control of the Scarcies Rivers, or of the Mellicourie River, as the case may be. If the water communication at Mahela should be found to open into the Mellicourie River as well as into the Scarcies River, the said line of demarcation shall start on the coast from the centre of the stream which joins the sea at Mahela, and shall be continued in such manner as to assign to Great Britain the communication with the Scarcies River, and to France the communication with the Mellicourie River.

Island of Yelboyah, &c., to belong to Great Britain.

ART. II. The Island of Yelboyah, and all islands claimed or possessed by Great Britain on the West Coast of Africa lying to the south of the said line of demarcation as far as the southern limit of the British Colony of Sierra Leone, shall be recognized by France as belonging to Great Britain.

Island of Matacong, &c., to belong to France.

And the Island of Matacong, and all islands claimed or possessed by France on the West Coast of Africa to the north of the said line of demarcation as far as the Rio Nunez, shall be recognized by Great Britain as belonging to France;

Isles de Los.

With the exception of the Isles de Los, which last-mentioned islands shall continue to belong to Great Britain.*

* The Isles de Los, comprising Factory, Crawfords, Jamara, Whites,

Withdrawal of British Political Influence.

ART. III. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to abstain from holding any territory, and from exercising or countenancing the exercise of British political influence in the country lying between the line of demarcation which is to be fixed in accordance with Article I and the Rio Nunez.

Rio Nunez.

It is understood that nothing contained in this Article shall affect any rights which may be possessed by France, on the stream of the Rio Nunez, or to the north of that river.

Withdrawal of French Political Influence.

ART. IV. The President of the French Republic engages to abstain from holding any territory and from exercising or countenancing the exercise of French political influence in the country lying between the line of demarcation which is to be fixed in accordance with Article I and the northern limit of the Republic of Liberia.

Equality of Treatment of British Subjects and French Citizens in respective Possessions.

ART. V. British subjects in the French Possessions on the West Coast of Africa, and French citizens in the British Possessions on the West Coast of Africa, shall receive equality of treatment with the citizens or subjects of France and Great Britain respectively as regards the protection of life and property.

Right of British Subjects and French Citizens to hold real Property in respective Possessions.

ART. VI. The right to hold real property within the British Possessions on the West Coast of Africa shall be accorded to French citizens in the same manner as this right is or may be granted by law to aliens in the United Kingdom of Great Britain and Ireland.

and Coral Islands, were ceded to Great Britain by the King and Chiefs of the Bago Country on the 6th July, 1818." H. T., vol. xiv, p. 933.

The right to hold real property within the French Possessions on the West Coast of Africa shall be accorded to British subjects in the same manner as this right is or may be granted by law to aliens in France.

*Appointment of Boundary Commissioners.**

ART. VII. The Commissioners for determining on the spot the exact position of the line of demarcation provided for in Article I of the present Convention shall be appointed in the following manner, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland shall appoint two Commissioners, and the President of the French Republic shall appoint two Commissioners. The said Commissioners shall meet at Sierra Leone for the purpose of commencing their labours within six months after the ratifications of the present Convention shall have been exchanged, or sooner if possible.

In the event of any question arising upon which the aforesaid Commissioners are not able themselves to come to an agreement, the matter shall be referred for decision to the Governments of the two High Contracting Parties.

Ratifications.

ART. VIII. The present Convention shall be ratified,† and the ratifications shall be exchanged at Paris, as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same in duplicate, and have affixed thereto the seal of their arms.

Done at Paris, the 28th June, 1882.

(L.S.) LYONS.
(L.S.) C. DE FREYCINET.

* See Map facing p. 558.

† The Convention was not formally ratified, but it has been accepted by both Powers as a binding arrangement. It was published in the "Journal Officiel" of 28th March, 1883. See p. 585.

[Senegambia, Gold Coast, Slave Coast, Gambia, Sierra Leone, Assinee, Porto Novo.]

No. 110.—*ARRANGEMENT concerning the Delimitation of the English and French Possessions on the West Coast of Africa. Signed at Paris, August* 10, 1889.*

THE Undersigned, selected by the Government of Her Majesty the Queen of Great Britain and Ireland and by the Government of the French Republic for the purpose of preparing a general understanding with a view to settle all the questions at issue between England and France with regard to their respective possessions on the West Coast of Africa, have agreed on the following provisions:—

Senegambia. Line of Demarcation.†

ART. I. In Senegambia, the frontier line between the English and French possessions shall be established as follows:—

North of the Gambia.

1. To the north of the Gambia (right bank) the line shall start from Jinnak Creek and follow the parallel which, traversing the coast at this point (about 13° 36′ north), intersects the Gambia at the great bend it makes towards the north opposite a small island situated at the entrance of Sarmi Creek in the country of Niamena.

Yarbatenda.

From this point the frontier line shall follow the right bank as far as Yarbatenda, at a distance of 10 kilom. from the river.‡

South of the Gambia.

2. To the south (left bank) the line, starting from the mouth of the San Pedro, shall follow the left bank as far as 13° 10′ of north latitude. The frontier shall thence follow the parallel which, starting from this point, goes as far as Sandeng (end of the Vintang Creek, English map).

The line shall then trend upwards in the direction of the Gambia, following the meridian which passes through Sandeng to a distance of 10 kilom. from the river.

* H. T., vol. xviii, p. 419: see also note, p. 559.

† See also Annex 2, p. 564.

‡ See Annexes, p. 564, and Map facing this page.



Map of

THE RIVER GAMBIA

to illustrate Art. 1 of the Anglo-French Agreement

of 10th August, 1889.



Map of

THE RIVER GAMBIA

to illustrate Art. 1 of the Anglo-French Agreement

of 10th August, 1889.

The frontier shall then follow the left bank of the river at the same distance of 10 kilom. as far as, and including, Yarbatenda.*

North of Sierra Leone. Line of Demarcation. Mellicourie and Great Scarcies River.

Art. II.* To the north of Sierra Leone, in accordance with the provisions of the Treaty of 1882 (**No. 109**),† the line of demarcation, after having divided the basin of the Mellicourie from that of the Great Scarcies, shall pass between Bennah and Tambakka, leaving Talla to England and Tamisso to France, and shall approach the 10th degree of north latitude, including in the French zone the country of the Houbbous, and in the English zone Soulimaniah and Falabah.

Middle and Upper Niger Districts.

The line shall stop at the intersection of the 13th degree of longitude west of Paris (10° 40′ of Greenwich) as marked on the French map, and of the 10th degree of latitude.

Gold Coast.‡ Line of Demarcation. English Frontier.

Art. III.—Sec. 1.—On the Gold Coast, the English frontier shall start from the sea coast at Newtown at 1,000 metres to the west of the house occupied in 1884 by the English Commissioners. It shall thence go straight to the Tendo Lagoon. The line shall then follow the left bank of that lagoon and of that of Ahy and the left bank of the River Tanoe or Tendo as far as Nougoua.

Starting from Nougoua, the frontier line shall be fixed in accordance with the various Treaties which have respectively been concluded by the two Governments with the natives. This line shall be prolonged to the 9th degree of north latitude.

Liberty of English and French Political Action respectively outside Frontier Line. Ashantee, &c.

The French Government shall undertake to allow England

* See also Annex 2, p. 564, and Agreement, 26th June, 1891, p. 573.

† The Convention of 1882 was not ratified, but it has been accepted by both Powers as a binding arrangement. It was published in the "Journal Officiel" of 28th March, 1883. See p. 585.

‡ See Arrangement, 12th July, 1893, p. 589.

full liberty of political action to the east of the frontier line, particularly as regards the Kingdom of the Ashantees: and the English Government shall undertake to allow France full liberty of political action to the west of the frontier line.

Gold Coast. Line of Demarcation. French Frontier. Assinee.*

The French frontier shall, in like manner, start from the sea-shore at Newtown at a distance of 1,000 metres to the west of the house occupied in 1884 by the English Commissioners. After having reached in a straight line the Tendo Lagoon it shall follow† the right bank of that lagoon and that of Ahy, as well as that of the River Tanoe or Tendo, and terminate at Nougoua, the point at which the two lines of frontier shall unite.

British Custom House at Mouth of the River Tendo.

Sec. 2. In the event of the Gold Coast Government thinking proper to establish a Custom House at the mouth of the River Tendo, the French Government will not object to the English authorities requiring from French boats certificates of destination for goods going up the Tendo, in which certificates it shall be specified that the duties payable on goods imported into the French Colony have been paid in full.

Free Navigation on Tendo and Ahy Lagoons & on River Tendo.

The navigation on the Tendo and Ahy Lagoons and on the River Tendo shall be free and open to the boats and inhabitants of the two Protectorates.

French Custom House at Mouth of the River Tendo.

In the event of the French Government thinking proper to establish a Custom House for the purpose of keeping a similar supervision over the English boats coming from the direction of Apollonia as that exercised over French boats at the mouth of the Tendo, the English Government will raise no objection.

* See Art. V, p. 563, and Arrangement fixing Boundary on the Gold Coast, 12th July, 1893, p. 589.

† "*Approchera*" in the French Version.

Gold Coast. French adoption of Customs Tariff of Assinee. Duties on Spirituous Liquors.

Sec. 3. The acceptance of the English Government of the above-mentioned lines of frontier remains subject to the adoption by the French Government of a Customs tariff to be established at Assinee, in which the duties upon spirituous liquors shall not be less than 40 fr. the hectolitre for alcohols and trade liquors of less strength than 25 degrees; than 60 fr. the hectolitre for alcohols of 25 to 49 degrees; and 100 fr. the hectolitre for alcohols of 50 degrees and over.

Duties on Tobacco.

Duties upon tobacco in leaf and manufactured shall not be less than 80 centimes the kilogramme.

Duty on Cotton Goods.

Cotton goods shall be liable to a duty of 15 per cent. *ad valorem.*

Slave Coast. Demarcation of Spheres of Influence. Porto Novo and Lagos.

ART. IV.—Sec. 1. On the Slave Coast, the line of demarcation between the spheres of influence of the two Powers shall be identical with the meridian which intersects the territory of Porto Novo at the Ajarra Creek, leaving Pokrah or Pokéa to the English Colony of Lagos. It shall follow the above-mentioned meridian as far as the 9th degree of north latitude, where it shall stop.

Appah to remain to England.

To the south it shall terminate on the sea-shore after having passed through the territory of Appah, the capital of which shall continue to belong to England.*

* A letter was addressed by the Colonial Secretariat at Lagos to the various foreign Consuls at that place, on the 18th March, 1883, announcing that the British flag had, on the 15th of that month, been hoisted, and British protection extended over the people and territory of Appah.

Free Navigation of the Ajarra and Addo River.

The navigation of the Ajarra and of the River Addo shall be free and open to the inhabitants and boats of both Protectorates.

Slave Coast. Liberty of the French to Trade with the Egbas, &c.

Sec. 2. French traders shall be guaranteed full liberty of trade with such districts as shall not be included in the French sphere of influence, and especially as regards the Egbas.

English Trading Privileges.

English traders shall likewise be guaranteed full liberty of trade with such districts as shall not be included in the English sphere of influence.

Protection to be afforded to Inhabitants of Katanu and French Portion of Appah. Liberty to Emigrate.

Sec. 3. Guarantees shall also be given in favour of the inhabitants of Katanu and of the French portion of the territory of Appah. These inhabitants shall be free to leave the country should they so desire, and those who remain shall be protected by the French authorities against any act of aggression on their persons, their position, or their property on the part of the King of Porto Novo or of his people.

Similar Guarantees to Inhabitants of Pokrah.

Similar guarantees shall be given in favour of the inhabitants of the territory of Pokrah.

British and French Spheres of Action.

Sec. 4. It is furthermore agreed that (1) the English Government shall have full liberty of political action to the east of the frontier line; and that (2) the French Government shall have full liberty of political action to the west of the frontier line.

Non-establishment of Custom House between Pokrah and Addo.

Sec. 5. In consequence of the understanding defined as above, and with a view to obviate any conflict to which the daily relations of the inhabitants of the Porto Novo country with those of Pokrah might give rise if a Custom House were to be established by one or other of the Contracting Parties on the Ajarra Creek, the English and French Delegates agree in recommending to their respective Governments the neutralization, from a Customs point of view, of that portion of the territory of Pokrah which is comprised between the Ajarra Creek and the Addo until such time as a definitive Customs Agreement can be arrived at between the French establishments of Porto-Novo and the Colony of Lagos.

*Appointment of Special Boundary Commissioners.**

ART. V. The two Governments reserve to themselves the right of nominating Special Commissioners of Delimitation to trace upon the spot wherever they may consider it necessary the line of demarcation between the English and French Possessions, in conformity with the general provisions which are set forth above.

In witness whereof the undersigned Delegates have drawn up and signed the present Agreement, subject to the approval of their respective Governments.†

Done at Paris, in duplicate, the 10th day of August, 1889.

EDWIN H. EGERTON.
AUGUSTUS W. L. HEMMING.
A. NISARD.
JEAN BAYOL.

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* See Arrangement, fixing Boundary on the Gold Coast, 12th July, 1893, p. 589.

† See Exchange of Notes, 2nd and 19th November, 1889, p. 568.

ANNEX 1.—*French Route of Communication between Mellacoree (or Mellicourie) and the French Soudan (South of Fouta Djallon).*

The line of demarcation laid down in Article II of the Agreement shall be determined on the spot by English and French Delegates named for that purpose.

It is understood that these Delegates, keeping in view the conclusions of the Commission charged with drawing up the Agreement in question, shall mutually endeavour to find means of assuring to France a route of communication to the south of Fouta Djallon between Mellacoree and the French Soudan, which shall, however, in no way interfere with the possession by England of the road between Kambia and Falabah, which shall in principle be identical with the route followed by Blyden in 1872 to the latter place.

ANNEX 2.—*Senegambia. North of the Gambia. Jinnak Creek.*

Sec. 1. The expression "Jinnak Creek," as a point of departure of the line of frontier on the north of the Gambia,* shall mean that point of the continent where the Jinnak flows into the sea, as shown on the English map numbered 684.

Sec. 2. The expression "the line shall start from Jinnak Creek and follow the parallel which, traversing the coast at this point (about 13° 36′ north), intersects the Gambia at the great bend," &c., shall signify that the frontier line shall follow the parallel from the middle of the channel of the mouth of the Jinnak (which shall be understood as explained in Section 1), till it reaches a point 10 kilom. from the Gambia, as set forth below (Section 3).

Yarbatenda.

Sec. 3. "From this point the frontier line shall follow the right bank as far as Yarbatenda,† at a distance of 10 kilom. from the river," shall signify that from the point where the parallel of the Jinnak Creek (as set forth above) reaches a distance of 10 kilom. from the Gambia, the frontier line shall

* See Art. I, p. 558.

† See also Section 6, p. 565.

be drawn in such a way as always to be at an equal distance of 10 kilom. from the nearest point of the bank of the river.

South of Gambia.

Sec. 4. "The line, starting from the mouth of the San Pedro, shall follow the left bank as far as 13° 10′ of north latitude." In the event of its being found that neither the San Pedro nor any of its branches meets the parallel 13° 10′ of north latitude, the frontier shall follow that parallel from the shore.

Sec. 5. The expression "as far as Sandeng," shall be considered as including Sandeng within British territory, and in the event of this parallel (13° 10′ of north latitude) being found not to touch Vintang Creek, then the frontier line would stop at the meridian which passes 1 kilom. east of Sandeng, or if the parallel 13° 10′ (north) should be found to meet Vintang Creek below Sandeng, the expression would be taken to mean that the frontier should follow the left bank of the Creek from the point where it is met by the 13° 10′ parallel (north) to the meridian which passes 1 kilom. east of Sandeng.

Yarbatenda.

Sec. 6. "Including Yarbatenda" shall be taken to mean that the frontier line shall be drawn round and beyond Yarbatenda, at a radius of 10 kilom. from the centre of the town; and in the event of its being found that a circle so drawn would intersect the bend of the river east of Yarbatenda, then the frontier line, from the point where such circle should be found to cut the river, would follow the nearest bank till it meets a fresh intersection of the river (by the circle).

Sec. 7. The English map, "Intelligence Department Map, 684," has been used in defining this part of the frontiers.

Sierra Leone. Mellacoree and Scarcies Rivers.

"In accordance with the provisions of the Treaty of 1882, (No. 109) the line of demarcation, after having divided the

basin of the Mellacoree from that of the Great Scarcies," shall be taken to mean: in accordance with Article I of the Convention of 1882,* which says, "The said line of demarcation shall be drawn in such a manner as to insure to France the complete control of the Mellacoree River, and to Great Britain the complete control of the Scarcies Rivers. The point and factory of Mahela, as well as the adjacent water communication, shall belong to the nation which, by the aforesaid inquiry, their possession may be found necessary for the control of the Mellacoree or of the Scarcies Rivers, as the case may be. If the water communication at Mahela should be found to open into the Mellacoree as well as into the Scarcies River, the said line of demarcation shall start on the coast from the centre of the stream which joins the sea at Mahela, and shall be continued in such manner as to assign to Great Britain the communication with the Scarcies River, and to France the communication with the Mellacoree River."

Sec. 2. The expression "the line of demarcation shall pass between Bennah and Tambakka" shall be taken literally, in so far as it is in conformity with the above-mentioned Convention, in order that the complete control of the Scarcies may be assured to Great Britain and that of Mellacoree to France.

In the event of Bennah or Bannah being found to extend into the basin of the Great Scarcies, then this Convention shall be modified in such a way as to make the right bank of the Scarcies itself form the boundary at this part of its course.

Sec. 3. The map which has been consulted is "La Carte des Établissements Français du Sénégal," by M. Monteil, 1886.†

* The Convention of 1882 was not ratified, but it has been accepted by both Powers as a binding arrangement. It was published in the "Journal Officiel" of 28th March, 1883. See p. 585.

† The full title of this Map is, "Carte des Établissements Français du Sénégal dressée par ordre de M. le Sous-Secrétaire d' État au Ministère de la Marine et des Colonies par M. Monteil, Capitaine d'Infanterie de Marine, Offr. d'Académie, Chef de la Mission Topographique du Haut Sénégal (1884–85), avec la Collaboration de M. Binger, Lieut. d'Infanterie de Marine d'après les documents les plus récents, les travaux des diverses Missions Topographiques et ceux de M. Regnaud de Lannoy de Bissy, Chef de Bataillon du Génie."—Paris, 1886.

Gold Coast. Assinee.*

Sec. 1. As far as regards the frontier line between the sea and Tendo Lagoon, the expression "straight" shall be taken to mean straight towards the true north.

The "map showing the towns and villages visited by the Assinee Boundary Commissioners in December, 1883, and January, 1884," has served for the description of this part of the frontier as far as Nougoua.

Porto Novo.

Sec. 1. "The meridian which intersects the territory of Porto Novo at the Ajarra Creek" shall be taken to mean:—

1. (To the north of the Porto Novo Lagoon) the middle of the stream of the Ajarra or Ajera River to the point where the said river ceases to separate the Kingdom of Porto Novo from that of Pokrah, and from thence the meridian thereof as far as the 9th parallel of north latitude.

2. (To the south of the Porto Novo Lagoon) the meridian of the middle of the Ajarra River, where it flows into the Porto Novo Lagoon.

The frontier line has been based in this Convention upon the sketch survey of the inland water communication in the Colony of Lagos, by Harbour-master Speeding, 1886.

* See Arrangement, fixing Boundary on the Gold Coast, 12th July, 1893, p. 589.

No. 111.—*APPROVAL of above Agreement by British and French Governments. 2nd—19th November*, 1889.

(1) *The Earl of Lytton to M. Spuller.*

Paris, November 2, 1889.

The Undersigned, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, has the honour to notify to the Government of the Republic that Her Majesty's Government approves the Agreement come to and signèd in Paris on the 10th August last by the Delegates appointed by the Foreign and Colonial Departments of their respective Governments to prepare a settlement of the questions at issue on the West Coast of Africa between the Government of the French Republic and Her Majesty's Government.

While announcing the adhesion of his Government to this Agreement (of which a copy in English translation is inclosed herewith), the Undersigned trusts that the Government of the Republic may think fit also to give their assent to the conclusions come to by their Delegates, and that the same friendly spirit which has animated the two Governments in initiating this Agreement may continue to animate the carrying out thereof by their Representatives on the West African Coast, and he avails himself of the present opportunity to renew, &c.

LYTTON.

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(2) *M. Waddington to the Marquis of Salisbury.*—(*Received November* 21.)

(Translation.)

M. le Marquis, *London, November* 19, 1889.

On the occasion of the signature of the Arrangement respecting the delimitation of the English and French possessions on the West Coast of Africa, it was agreed that the terms come to by the Delegates of the two countries should be submitted for the approval of their respective Governments, and

that in the event of the latter giving their adhesion, there should be an exchange of Identic Notes.

Her Britannic Majesty's Ambassador at Paris having informed M. Spuller that Her Majesty's Government agreed to the Arrangement in question, I have been instructed by my Government to make a similar communication to your Lordship in the name of the Republic.

I have accordingly the honour to inclose to you herewith a Note addressed to Her Majesty's Government, together with a copy of the Arrangement alluded to above.

I have, &c.,
WADDINGTON.

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(3) *M. Waddington to the Marquis of Salisbury.*

(Translation.)

London, November 19, 1889.

THE Undersigned, Ambassador to the French Republic, has the honour to inform the Government of Her Majesty the Queen of Great Britain and Ireland that the Government of the French Republic approves the Agreement come to on the 10th August last by the Foreign and Colonial Departments of their respective Governments on the West Coast of Africa to prepare a settlement of the questions at issue between the Governments of the French Republic and that of the Queen.

In thus communicating the accession of his Government to the Arrangement in question, of which a copy in French is inclosed herewith, the Undersigned expresses the hope that Her Majesty's Government will also see fit to give their assent to the conclusions come to by their Delegates, and that the same friendly spirit by which the two Governments have been animated in everything concerning this Arrangement will continue to prevail during its execution by their Representatives on the West Coast of Africa.

The Undersigned, &c.

WADDINGTON.

No. 112.—*DECLARATION between the British and French Governments with respect to Zanzibar and Pemba. Signed at London, 5th August,* 1890.*

(1.)

Modification of Arrangement of 10*th March,* 1862. *French Recognition of British Protectorate over Islands of Zanzibar and Pemba.*

THE Undersigned, duly authorized by Her Britannic Majesty's Government, declares as follows:—

In conformity with the request which has been made by the Government of Her Britannic Majesty, the Government of the French Republic consents to modify the Arrangement of the 10th March, 1862 (**No. 107**), in regard to the Sultan of Zanzibar, and engages, consequently, to recognize the British Protectorate over the Islands of Zanzibar and Pemba as soon as they shall have received notification of the same.†

Protection of Missionaries. Religious Liberty. Freedom of Worship.

In the territories in question, the missionaries of both countries shall enjoy a complete protection. Religious toleration, and liberty for all forms of worship and religious training, shall be guaranteed.

French Rights, &c., not to be affected.‡

It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by French citizens in the territories in question.

SALISBURY.
WADDINGTON.

London, 5th August, 1890.

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* See also Declaration of same date respecting Madagascar, next page.

† See Arrangement between Great Britain and Germany of 29th October —1st November, 1886, page 615.

‡ See Brussels Act for Suppression of the Slave Trade, &c., 2nd July, 1890, Art. 96, p. 86.

No. 113.—*DECLARATION between the British and French Governments, respecting Madagascar and the French Sphere of Influence South of her Mediterranean Possessions. Signed at London, 5th August*, 1890.*

(2.)

British Recognition of French Protectorate over Madagascar. British Consular Exequaturs.

The Undersigned, duly authorized by Her Britannic Majesty's Government, declares as follows:—

1. The Government of Her Britannic Majesty recognizes the Protectorate of France over the Island of Madagascar,† with its consequences, especially as regards the exequaturs of British Consuls and Agents, which must be applied for through the intermediary of the French Resident General.

Missionaries. Religious Liberty, Worship, and Teaching.

In Madagascar the missionaries of both countries shall enjoy complete protection. Religious toleration, and liberty for all forms of worship and religious teaching, shall be guaranteed.

British Rights, &c., not to be affected.

It is understood that the establishment of this Protectorate will not affect any rights or immunities enjoyed by British subjects in that island.‡

* See also Declaration of same date respecting Zanzibar on previous page, and note, page 793.

† For Treaty between France and Madagascar of 17th December, 1885, see Madagascar, page 791.

‡ See Commercial Treaty between Great Britain and Madagascar, 27th June, 1865, H. T., xii, 634; Declaration, 16th February, 1883, H. T., vol. xv, p. 1029; and Agreement, 25th May, 1883, H. T., vol. xv, p. 1034.

British Recognition of French Sphere of Influence South of her Mediterranean Possessions. Niger Company. Sokoto.

2. The Government of Her Britannic Majesty recognizes the sphere of influence of France to the south of her Mediterranean Possessions, up to a line from Saye on the Niger, to Barruwa on Lake Tchad, drawn in such manner as to comprise in the sphere of action of the Niger Company all that fairly belongs to the Kingdom of Sokoto; the line to be determined by the Commissioners to be appointed.

*Boundary Commissioners to be appointed.**

The Government of Her Britannic Majesty engages to appoint immediately two Commissioners to meet at Paris with two Commissioners appointed by the Government of the French Republic, in order to settle the details of the above-mentioned line.† But it is expressly understood that even in case the labours of these Commissioners should not result in a complete agreement upon all details of the line, the Agreement between the two Governments as to the general delimitation above set forth shall, nevertheless, remain binding.

The Commissioners will also be intrusted with the task of determining the respective spheres of influences of the two countries in the region which extends to the west and to the south of the Middle and Upper Niger.‡

SALISBURY.
WADDINGTON.

London, 5th August, 1890.

* See Agreement, 26th June, 1891, p. 573.

† Approved by the British and French Government, 14th September, 1891.

‡ See Arrangement, fixing Boundary on the Gold Coast, 12th July, 1893, p. 589.

No. 114.—*AGREEMENT between Great Britain and France, for the Demarcation of Spheres of Influence in Africa (Middle and Upper Niger Districts and Gold Coast). Signed at Paris, 26th June,* 1891.*

(Translation.)

THE Undersigned, Plenipotentiaries charged in execution of the Declarations exchanged at London on the 5th August, 1890 (**No. 112**), between Her Britannic Majesty's Government and the Government of the French Republic to proceed to the laying down a line to delimit the respective spheres of interest of the two countries in the districts south and west of the Middle and Upper Niger, have agreed as follows :—

Middle and Upper Niger.†

The Technical Commissioners, who are to be appointed by the English and French Governments in accordance with Article II of the Arrangement of the 10th August, 1889 (**No. 110**), for the purpose of defining the two spheres, shall, as far as possible, follow, as laid down in the said Arrangement, the line of the meridian 13 west of Paris,‡ starting from the 10th degree of latitude and going southward. In laying down the frontier in general accordance with this meridian, they shall be authorized, if they so agree to take into consideration the nature of the ground and local circumstances, and to deflect the line of demarcation to east or west of the meridian, taking care not to give any advantage to one without allowing equitable compensation to the other. These modifications shall not, however, be considered as definite till they have been ratified by the two Governments.

It is agreed that the frontier-line shall, as much as possible, follow the west of the heights which, according to M. Monteil's map,§ border the left bank of the Niger, between the 10th degree and Tembé Counda.

* Approved by the British and French Governments, 14th September, 1891.

† Surveyed by British Delimitation Commission, 1891–92; but the Boundary has not yet been defined (June, 1894).

‡ 10° 40′ meridian west of Greenwich.

§ See note, p. 560.

In case, however, the watershed shall not be such as is shown on M. Monteil's map, the Commissioners of the two countries may trace the frontier without regard to it, on the express understanding that both banks of the Niger shall remain in the sphere of French influence.

By the term Niger is understood the Djalibi, and its two principal headstreams, the Fatiko and the Tembé. In the afore-mentioned case the frontier line from the 10th degree to Tembé Counda shall follow at a distance of 10 kilom. the left bank of the Djalibi, the Fatiko, and finally of the Tembé, if necessary, up to its source.

In case the mountain ridge shall be found to be nearer the left bank of the Niger, the frontier shall follow the line of the watershed.

*Gold Coast.**

The Technical Commissioners who are nominated by the two Governments in accordance with Article III of the Agreement of the 10th August, 1889 (**No. 110**), shall be instructed to trace the frontier in accordance with the following indications taken from M. Binger's map† :—

The line would follow the frontier of Nougoua on the Tanoé, between Sanwi and Broussa, Indenié, and Sahué, leaving Broussa, Aowin, and Sahué to England; the frontier would then intersect the road from Annibilekrou to Cape Coast Castle, midway between Debison and Atiebendekrou, and follow the direct road from Annibilekrou to Bondoukou, by Bodomfil and Dadiasi, at a distance of 10 kilom. to the eastward. It would then pass Bonko, so as to strike the Volta at the spot where that river is intersected by the road from Bandagadi to Kirhindi, and would follow the river as far as the 9th degree of north latitude.

EDWIN HENRY EGERTON.
JOSEPH ARCHER CROWE.
GABRIEL HANOTAUX.
JACQUES HAUSSMANN.

* See Boundary Arrangement, 12th July, 1893, p. 589.
† See note, p. 590.

No. 115.—*EXCHANGE OF NOTES between the British and French Governments, respecting the Extension of French Territory on the Ivory Coast to the Frontier of Liberia.* 1891—1892.*

Baron d'Estournelles to the Marquis of Salisbury.

(Translation.)

My Lord, *London, 26th October*, 1891.

I AM directed by the Minister for Foreign Affairs to inform Her Majesty's Government that, in accordance with various Treaties, most of which confirm previous Treaties† concluded with the Chiefs of the Ivory Coast, all that portion of the coast comprised between Lahou and the Cavally River is placed under the sovereignty or protectorate of France.

I have therefore the honour, in accordance with Article XXXIV of the General Act of the Berlin Conference (**No. 17**), to notify to your Lordship the Treaties in question,† which have been ratified by a Decree of the President of the Republic of the 3rd August last, and which are as follows:—

1. Treaty concluded with Coki, King of the territories of Middle Lahou, 30th August, 1890.

2. Treaty concluded with Yéré, King of Fresco, 31st August, 1890.

3. Treaty concluded with Akla, King of Great Drewin, 25th October, 1890.

4. Treaty concluded with Gra, King of Little Lahou, 5th April, 1891.

5. Treaty concluded with Loffcé, King of Kotron, 12th April, 1891.

6. Treaty concluded with Levis, King of Great Trepon or Trepoint, 16th April, 1891.

7. Treaty concluded with Toco, King of Trepon, 16th April, 1891.

* Laid before Parliament in "Africa, No. 7 (1892)." See also Arrangement between France and Liberia, 8th December, 1892, p. 783.

† France concluded various Treaties with the Chiefs on the Ivory Coast between 1787 and 1868.

8. Treaty concluded with the Kings of Great and Little Drewin, Dateko, and Bassa and Akla and Kagé, 21st April, 1891.

9. Treaty concluded with Buggery, King of Sassandra (Saint-André), 22nd April, 1891.

10. Treaty concluded with Mani, King of the country between the Cavally and San Pedro Rivers, 24th April, 1891.

11. Treaty concluded with Kougoua, King of San Pedro, 27th May, 1891.

I have, &c.,
D'ESTOURNELLES DE CONSTANT.

The Marquis of Salisbury to M. Waddington.

M. l'Ambassadeur, *Foreign Office*, 10*th December*, 1891.

I HAVE the honour to acknowledge the receipt of the note of the 26th October from Baron d'Estournelles, stating that he was instructed by the Government of the Republic to notify to Her Majesty's Government that France has assumed the sovereignty or protectorate over that portion of the Ivory Coast lying between Lahou and the River Cavally.

I observe that this notification is made in accordance with the provisions of the XXXIVth Article of the Act of Berlin (**No. 17**), in order to enable Her Majesty's Government to prefer, if they should be in a position to do so, antecedent claims on behalf of Great Britain. I have to state that Her Majesty's Government have no objection to offer to the notification on this ground.

I have, &c.,
SALISBURY.

The Marquis of Salisbury to Mr. Egerton.

Sir, *Foreign Office*, 10*th December*, 1891.

I INCLOSE herewith copy of a note, dated the 26th October, in which Baron d'Estournelles notified, in accordance with the XXXIVth Article of the Berlin Act (**No. 17**), the assumption

by France of sovereignty or protectorate over the portion of the Ivory Coast lying between Lahou and the Cavally River.*

Copy of my reply is also inclosed.†

I should wish you to explain to M. Ribot that, as the notification was made in compliance with the Article cited above, the answer has been framed within the limits of the terms of that Article; but that Her Majesty's Government do not, in so replying, intend to prejudice the controversy respecting the territory between the San Pedro and the Cavally Rivers, understood to be claimed by the Republic of Liberia, which was not a party to the Act of Berlin (**No. 17**).

I have also to request you to state that Her Majesty's Government would be glad to receive an explicit assurance that the territory now annexed will be subject to the engagements as to Tariff contracted in the IIIrd Article of the Anglo-French Agreement of the 10th August, 1889 (**No. 110**), as regards the French possessions on the Gold Coast.

I am, &c.,
SALISBURY.

M. Waddington to the Marquis of Salisbury.

(Translation.)

My Lord, *London, 30th December*, 1891.

I HAVE the honour to inform your Lordship that new Treaties of Protectorate have been recently concluded by the Representatives of the Government of the Republic with various Chiefs of the Ivory Coast.

I have therefore the honour, in accordance with Article XXXIV of the General Act of the Berlin Conference (**No. 17**), to notify to your Lordship the Treaties in question which have been ratified by a Decree of the President of the Republic of the 6th September, 1891, and which are as follows:—

1. Treaty concluded with Yacabi, King of Little Drewin, 25th April, 1891.

* See page 575. † See page 576.

2. Treaty concluded with Samé, King of Roctown, 26th April, 1891.

3. Treaty concluded with Traga, King of Victory and of the villages of Bokiou Douaoudé and Dezah, 27th April, 1891.

4. Treaty concluded with James or Djemma, King of Victory (a village of Woumery), 27th April, 1891.

5. Treaty concluded with the Chiefs Wobery and Meat Bati, of the villages of Douaoudé and Bokiou, 28th April, 1891.

6. Treaty concluded with Blabelay, King of the village of Cavally (left bank), called Bliérow, 5th May, 1891.

7. Treaty concluded with Hyié, King of Great Basha (a village of Boutlé), 7th May, 1891.

8. Treaty concluded with Boba, King of Wappoo, 7th May, 1891.

9. Treaty concluded with Tagui and Guié, Kings of Tahou, 9th May, 1891.

I have, &c.,
WADDINGTON.

Mr. Egerton to the Marquis of Salisbury.

My Lord, *Paris, 6th January*, 1892.

On receipt of your Lordship's despatch of the 10th December last, I mentioned both to M. Ribot and M. Hanotaux that Her Majesty's Government has answered the French notification of the assumption of protectorate over the Ivory Coast between Lahou and the Cavally, within the limits of the terms of the XXXIVth Article of the Berlin Act (**No 17**), and without prejudging the controversy with the Republic of Liberia respecting the territory between the San Pedro and Cavally Rivers.

This they understood, but M. Hanotaux told me that he had to refer to the Colonial Department for the assurance asked for in your Lordship's despatch, that the territory annexed would be subject to the engagements as to Tariff at Assinie contracted in the IIIrd Article of the Anglo-French Agreement of August,

1889 (**No. 110**). He assumed, as a matter of course, that there would not be two Tariffs in the French Ivory Coast establishments, and would, after reference, inform me.

He to-day told me that he had now learnt from the Colonial Department that the whole question of Tariff for the Ivory Coast, that is to say, from Assinie to the Cavally, was not definitely settled: but where the Custom-houses are established the rates are the same.

I have, &c.,
EDWIN H. EGERTON.

The Marquis of Salisbury to Baron d'Estournelles.

M. le Chargé d'Affaires, *Foreign Office*, 11*th January*, 1892.

I HAVE the honour to acknowledge, with thanks, the receipt of your note of the 30th ultimo, notifying, in accordance with the XXXIVth Article of the Act of Berlin (**No. 17**), the conclusion of further Treaties by the Representatives of the Government of the Republic with various native Chiefs on the Ivory Coast.

I have to state that Her Majesty's Government have no objection to offer to the notification on the ground of antecedent claims by Great Britain.

I have, &c.,
SALISBURY.

The Marquis of Salisbury to Mr. Egerton.

Sir, *Foreign Office*, 11*th January*, 1892.

WITH reference to my despatch of the 10th ultimo, I enclose herewith copy of a note from M. Waddington,* notifying, in accordance with the XXXIVth Article of the Berlin Act (**No. 17**), the conclusion by France of further Treaties with

* See page 576.

various native Chiefs on the Ivory Coast. Copy of my reply is also enclosed.*

I should wish you to explain to M. Ribot, as in the case of the previous notification respecting which I wrote to you on the 10th ultimo, that as the notification was made in compliance with the Article above cited, the answer has been framed within the limits of the terms of that Article; but that Her Majesty's Government do not intend by their acknowledgment to prejudice the question of the claim of Liberia to the territory between the San Pedro and the Cavally Rivers.

I have, &c.,
SALISBURY.

The Marquis of Dufferin to the Marquis of Salisbury.

My Lord, *Paris, 30th April*, 1892.

I HAVE the honour to inclose copy of a note from M. Ribot, from which your Lordship will observe that to the west of Grand Lahou, consumption taxes assimilated to those levied between Assinie and Lahou have been established by a notification of the Governor of French Guinea, dated the 8th March last.

I have, &c.,
DUFFERIN AND AVA.

(Inclosure.)

M. Ribot to the Marquis of Dufferin.

(Translation.) *London, 28th April*, 1892.

THE Minister for Foreign Affairs did not fail to inform the Under-Secretary of State for the Colonies of the desire entertained by Her Majesty's Government to obtain exact information with regard to the customs system at present in force in such French establishments as are situated between Assinie and the Liberian frontier.

* See page 579.

From the particulars supplied by M. Jamais, it appears that the Tariff fixed by the Decree of the 3rd September, 1889, is still applicable between Assinie and Great Lahou. In regard to the region to the west of that place, a Notice issued on the 8th March last by the Governor of French Guinea established consumption taxes ("droits de consommation"), equal in rate to those levied between Lahou and Assinie and imposed on similar products, either native produce or the product of local industries or introduced from abroad.

M. Ribot loses no time in bringing these facts to the knowledge of his Excellency the English Ambassador, &c.

Paris, 28th April, 1892.

No. 116.—*NOTES on British and French Boundary Arrangements in West Africa.* 1885—1893.

The following extracts are given from a despatch addressed by the Marquis of Salisbury to the Marquis of Dufferin, on the 30th March, 1892, relative to the Treaty arrangements made between Great Britain and France respecting West Africa* :—

" A glance at a map shows the relative position of the possessions of the two countries on the coast. In the north-west those of France preponderate. French possessions, including the Colony of Senegambia and the Rivières du Sud, extending northward nearly to Cape Blanco, stretch southward to the frontier of Sierra Leone, thus covering about 12 degrees of latitude—their continuity being interrupted only by the British Gambia Colony, which is confined to the districts immediately bordering on that river, and by the Portuguese possessions to the south of the Gambia. Besides the Gambia territory, Great Britain possesses only in this quarter that of Sierra Leone—a Colony to which high value is attached, but which has a coast-line inconsiderable when compared with that of France. It covers rather more than 1 degree of latitude.

" On the Gulf of Guinea, after the intervening Republic of Liberia is passed, the relative position of the two countries is reversed. The French flag is first met, as the old Colony of Assinie has lately been extended so as to be conterminous with Liberia.† But from the eastern frontier of Assinie no French coast-line is found except the small districts connected with Aghwey and Grand Popo to the west, and with Porto Novo to the east, of Dahomey ; whereas Great Britain holds the thriving Colonies of the Gold Coast and Lagos, and from the borders of the latter exercises protectorate over the mouths of the Niger and the adjacent territory as far as the German Protectorate of the Cameroons.

* Laid before Parliament, in " Africa No. 7 (1892)."

† See Arrangement between France and Liberia of 8th December, 1892, p. 783.

"One feature was, originally, common to all these possessions: their frontiers were open in the rear. In most cases, also, their boundaries were ill-defined where they were conterminous, owing to the want of correct surveys, to defective and disputed titles, and to conflicting tribal claims.

"The colonial policy of Great Britain and France in West Africa has been widely different. France, from her basis on the Senegal coast, has pursued steadily the aim of establishing herself on the Upper Niger and its affluents. This object she has attained by a large and constant expenditure, and by a succession of military expeditions. She has overcome by arms the Almamy Ahmadoo, who ruled to the north of the river, and has connected his territories with the coast by a chain of military posts. She is now at war with the Almamy Samudu, or Samory, who lays claim to vast regions in the interior on the southern affluents of the river, extending southward to the frontiers of Liberia, eastward to the territory of his enemy Tieba, and westward to the confines of the Rivières du Sud and Sierra Leone. Great Britain, on the other hand, has adopted the policy of advance by commercial enterprise. She has not attempted to compete with the military operations of her neighbour.

"If the policy enjoined by Government and Parliament twenty-five years ago had been obeyed, no addition whatever would have been made to the strips of territory then possessed by Great Britain upon the West African Coast. In 1865 a strong Committee of the House of Commons investigated the subject, and came unanimously to the following Resolution:—

"'That all further extension of territory or assumption of Government, or new Treaties offering any protection to native tribes, would be inexpedient; and that the object of our policy should be to encourage in the natives the exercise of those qualities which may render it possible for us more and more to transfer to them the administration of all the Governments, with a view to our ultimate withdrawal from all, except probably Sierra Leone.' Among the members of the Committee who concurred in this Resolution were Mr. Cardwell, Mr. Chichester Fortescue, Lord Stanley, Mr Adderley, and Mr. W.

E. Forster. Under the guidance of the policy thus laid down, the Imperial Government for a long period made no effort to check the advances accomplished by France, at the cost of much treasure and many lives, in the interior of the country around the head-waters of the Niger, which rises at the back of Sierra Leone; or to anticipate her in concluding Treaties of Protection with the native Chiefs.

"The Colonies of the Gambia and Sierra Leone, with limited revenues barely sufficing for their administrative expenditure, would have been unable to bear any strain in the direction of military expenditure, and the sanction of Parliament was not to be expected for the employment of Imperial resources adequate for the purpose. The punitive expedition to Ashanti of 1873, necessary for the protection of the Gold Coast Colony, has been the sole exception to this pacific policy. Nevertheless, as the upshot of it, the British Government have made substantial progress. While guarding the stability of the old Colonies they have added to them the whole territory of the Oil Rivers, where, by breaking down the restrictive system of the native middlemen, they have given an important impulse to trade, which is evidenced by the growing interest of the Chambers of Commerce; and the spirit and energy of the Royal Niger Company have, without the expenditure of Imperial funds, or the sacrifice of the life of a single British soldier, placed under the protection of the Crown, the whole of the Lower, a great portion of the Central, Niger, and its affluent, the Benué, up to Yola.* The Company has concluded treaties with the powerful Sultan of Sokoto, and with the Sultan of Gandu, whose power extends over vast territories on both sides of the Niger. On the rivers an effective administration has been established, and security is maintained by patrolling steamers and police.

"In 1885 the two Powers undertook engagements under the Act of Berlin (**No. 17**) as having, respectively, control over the Lower and Upper Niger.

"As far back as 1868 frontier difficulties were developing:

* See Agreements, Great Britain and Germany, 27th July—2nd August, 1886, p. 612, and 15th November, 1893, p. 658.

these, however, affected the coast districts alone; the two countries were not in contact in the remote interior.

"In 1870 negotiations were opened for the settlement of the respective positions of the two countries in Western Africa, on the basis of a mutual exchange of territories, the principle being that French influence and authority should be confined to the north of a certain line, while Great Britain should have a free hand to the south of the same line. The negotiations were suspended by the outbreak of the Franco-German war, but they were renewed in 1876. Definite proposals were at that time formulated, by which the Gambia was to be exchanged for all posts held by France between the Rio Pongas and the Gaboon. This would have been a comprehensive and intelligible arrangement, but so strong a feeling of opposition to any cession of British territory was manifested in Parliament, and by various mercantile bodies, that the Government of the day was unable to press the scheme.

"The difficulties continued and became so acute that it was felt to be necessary to make an effort to compose them. Accordingly, in 1881, Commissioners were appointed on both sides, who met at Paris to arrange the questions at issue.

"From that date various Agreements have been signed, dated the 28th June, 1882 (**No. 109**), 10th August, 1889 (**No. 110**), 5th August, 1890 (**No. 113**), and 26th June, 1891 (**No. 114**).

* * * * *

"The objects of the Convention of 1882, as regards demarcation, were limited. They were confined to the endeavour to settle differences within the drainage area of rivers running down to the coast to the north of Sierra Leone, by mutual concessions in regard to rival claims. The result was an arrangement, the effect of which was to insure to England the complete control of the Scarcies, and to France that of the Mellicourie, River.

"The Convention was subject to ratification. This condition was not satisfied owing to the hesitation of the French Chambers, the Committee of the Chamber of Deputies being doubtful whether French interests had been adequately secured.

The respective Governments, however, accepted it, after signature, as a completed arrangement, and its stipulations were thenceforth observed on both sides. By this course conflicts, which would otherwise have arisen, were, no doubt, avoided.

"In 1888 it became evident that the Arrangement of 1882 (**No. 109**) was insufficient, and negotiations were commenced which resulted in the Agreement of August, 1889 (**No. 110**). By this Agreement boundaries were settled, and disputed points arranged affecting the Gambia, Sierra Leone, the Gold Coast, and Lagos, the settlement being based on mutual concessions. Provision was made for the appointment of Special Commissions to trace on the spot the boundaries which had been generally defined. A similar provision contained in the 1882 Convention had not hitherto been acted on.

"This Agreement made a new departure in attempting also to close, at one point, an interior frontier. The position of Sierra Leone had become precarious. The great Mussulman Chief Samadu had, in 1883, and subsequently, raided close up to its frontiers, depopulating large districts, and carrying off immense numbers of slaves. Major Festing, sent to visit him in 1888, found the ground strewed with human remains, and the country completely devastated. This Chief has for some time back been in close relation with the French, so far as such a relation can be insured by treaties. In March, 1886 he placed his territories under the Protectorate of the French Government (**No. 74**), and he renewed that engagement by further treaties in 1887 (23rd March) (**No. 74**) and 1889 (21st February) (**No. 74**). His failure to observe these treaties is understood to be the cause of the war with France in which he is now (March, 1892) engaged. Her Majesty's Government, impressed by the danger to Sierra Leone, recognised the necessity of preserving to the Colony a sufficient outwork against aggression, and, by the Agreement (**No. 110**), it was stipulated that France, whose Treaty gave her the right to stipulate on behalf of Samadu, should acknowledge as within the British sphere the Provinces of Soulimanieh and Falaba, claimed by him as a dependency, but held by Her Majesty's Government to be independent.

"In 1890 a further important step was taken as regards internal delimitation. The French Government, noting that the progress of the two countries on the Upper and Lower Niger must, if unchecked, lead to conflicting claims, suggested that a point should be agreed on beyond which neither should pass. This was effected by the 2nd Article of the Declaration of 1890 (**No. 113**), which also laid down a basis for subsequent negotiations for the demarcation of spheres in the region which extends to the west and to the south of the Middle and Upper Niger.

"At the same time it was clear to the two Governments that the Agreement of 1889 (**No. 110**) was inadequate in view of the possibility of collision from the activity of their agents in the interior, leading to difficulties as to the security of trade routes to the coast. The line of the Agreement had stopped, behind Sierra Leone, at the junction of the 10th degree of latitude with the 13th degree of longitude west of Paris.* Below this lay the Province of Kouranko, claimed, as was Soulimanieh, by Samadu, but likewise declared by Her Majesty's Government to be independent. This province was, by the Agreement of 1891 (**No. 114**), placed within the British sphere, and the closing up of the interior frontier was completed. By the same Agreement a line was drawn inwards from the Gold Coast, separating the spheres of the action of the two countries up to the 9th degree of latitude, the frontier being so placed as to leave Gaman, with which country France had Treaty relations, on the French side, and to place on the British side the region connected with Ashanti.

"Since the conclusion of this last Agreement the Boundary Commissions have been set to work in the Gold Coast and Sierra Leone districts."

* After the above despatch was written an Arrangement was signed between Great Britain and France, at Paris, on the 12th July, 1893, fixing the boundary between the British and French Possessions on the Gold Coast. See p. 589.

No. 117.—*REPORT of British and French Boundary Commissioners as to the position of Panchang and Niambuntang (Gambia). 8th May,* 1893.

English Version.

Niambuntang, 8th May, 1893.

POSITIONS were ascertained by chaining and checked by astronomical observations.

Panchang is 10·543 k. from the nearest point on the River Gambia, north of Deer Island.

Niambuntang is 7·840 k. from the nearest ascertained point on the River Gambia, north of Deer Island.

E. LEWIS LANG,
Lieutenant and Commander.

French Version.

Niani Bantang, le Mai 8, 1893.

LES positions ont été déterminées en chaînant et contrôlées par des observations astronomiques.

Pantiang est à 10,543 mètres du point le plus rapproché de la Gambie, au nord de l'Ile des Biches.

Niani Bantang est a 7,840 mètres du point le plus rapproché pris sur la Gambie, au nord de l'Ile des Biches.

MORIN,
Lieuténant de Vaisseau.
C. ALLEYS,
Administrator, Saloum.
LIEUT. JARTY,
Commandant Cercle Nioro.

Map showing boundary between

BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

12th July, 1893.

PART I.

Ma
BOUNDA
BRITISH AND FRENCH POS
12th



ETWEEN
SIONS ON THE GOLD COAST.
1893.

PART I.

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Map showing boundary between

BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

12th July, 1893.

PART I.

Map showing boundary between

BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

12th July, 1893.

PART II.


6°0'
5°30'
Krobo
Kambaso
Bakakora
Kaza
Malasué
Mafia
ANNO ou MANGOTOU
A R B O N
7°
30'
Assiékrou
Bendenvi
Sikaso
R. Bá
Assikasso
Soumadjessou
Kwotak
Yanta
Assoupir
Amiabo
Namona
Mesasoué
Abé
Atibendékrou
7'
Vieux Aproumpro
Yakasse
Yamiabo
Kouamékrou
Mensano
Asampé
Ammoakonkrou
Insama
Abourouf
Essouda
Djinik
Benkrou
Abengourou
Inyabiri
Mtakrou
Mansou
MORÉNOU
INDÉNIÉ
Aniasué
Djankoukro
Bentikrou
Soukousoukrou
R. Mane
6°
30'
R. KOMOÉ
ALANGOUA
Betsouasou
Vieux et N.eau Attamic
Inserim (Zaranou)
Katasso
Bokasso
Akouakrou
Ebillasso
Akobakrou
Afrowa
Krohong
Isoukrou
North Latitude
6°0'
Longitude West of Paris
5°30'


5°0′
4°30′
Esuofru
Ekwessua
Awitwesso
Asembeywi
Doumkrou
Bunkrokoukrou
Bodomfu
Kakrokrou
okrou
rekoukomfoukrou
okoukou Krou
crou
sotesso
7°
30′
Scale: 792,000 or 1 Inch = 12·5 Stat. Miles
10 5 0 10 20 MILES
KEY
III
II
I
7°
n
sou
a
uakrou
ayadin
Kokouabo
Mafia
uamiama
Dominibo
Insinsanmou
H
U
É
A
Kouaoukrou
Bonzan
Adiamaré
Abouroukoffi
Barabo
Abon
Babianaha
Emarianni
Kwanta
Palakrou
nta
Amya
Huttes
Mawona
Gouterasou
6°
30
5°0′
4°30′

Map showing boundary between

BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

12th July, 1893.

PART II.

Map showing boundary between

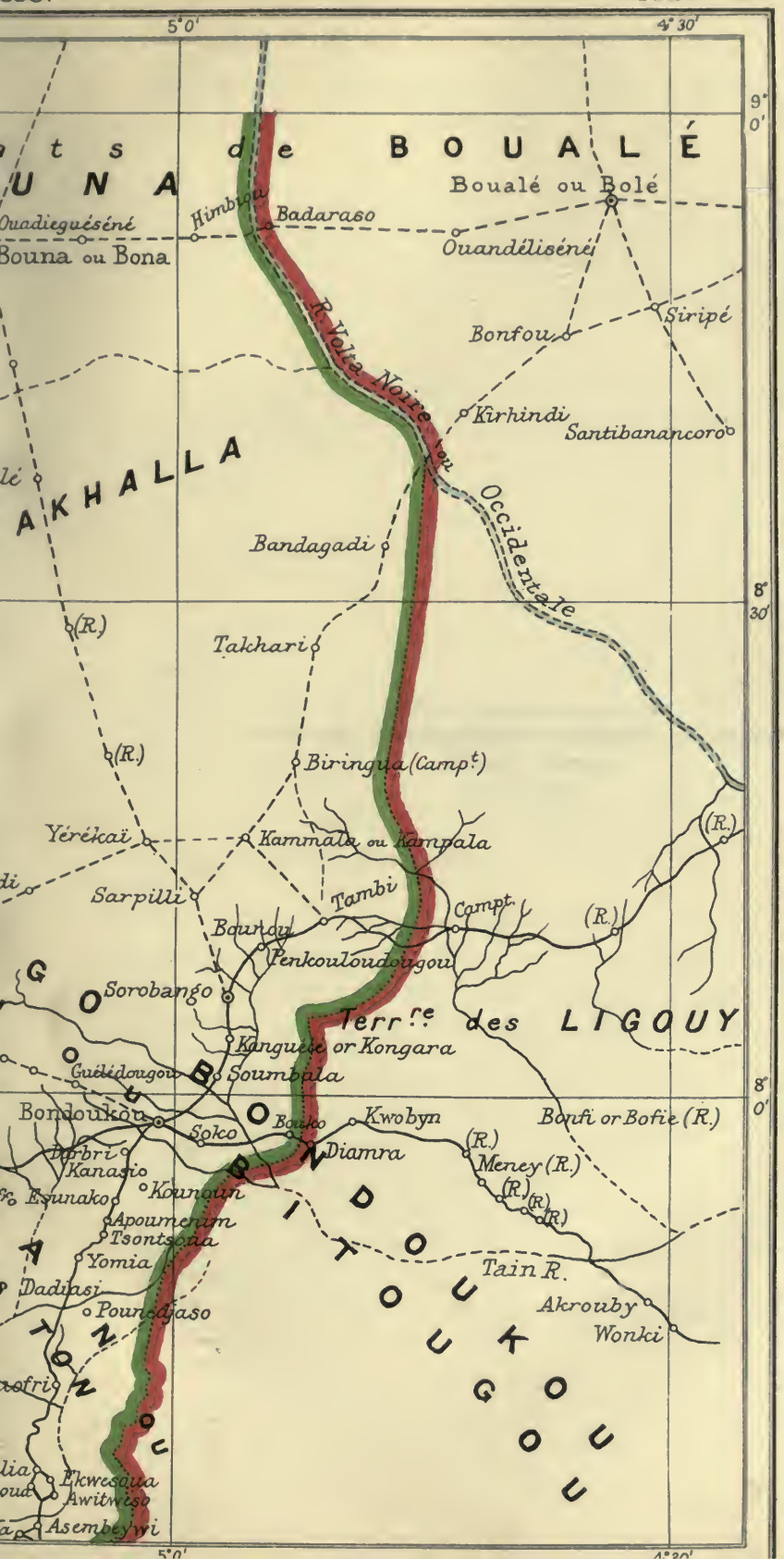
BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

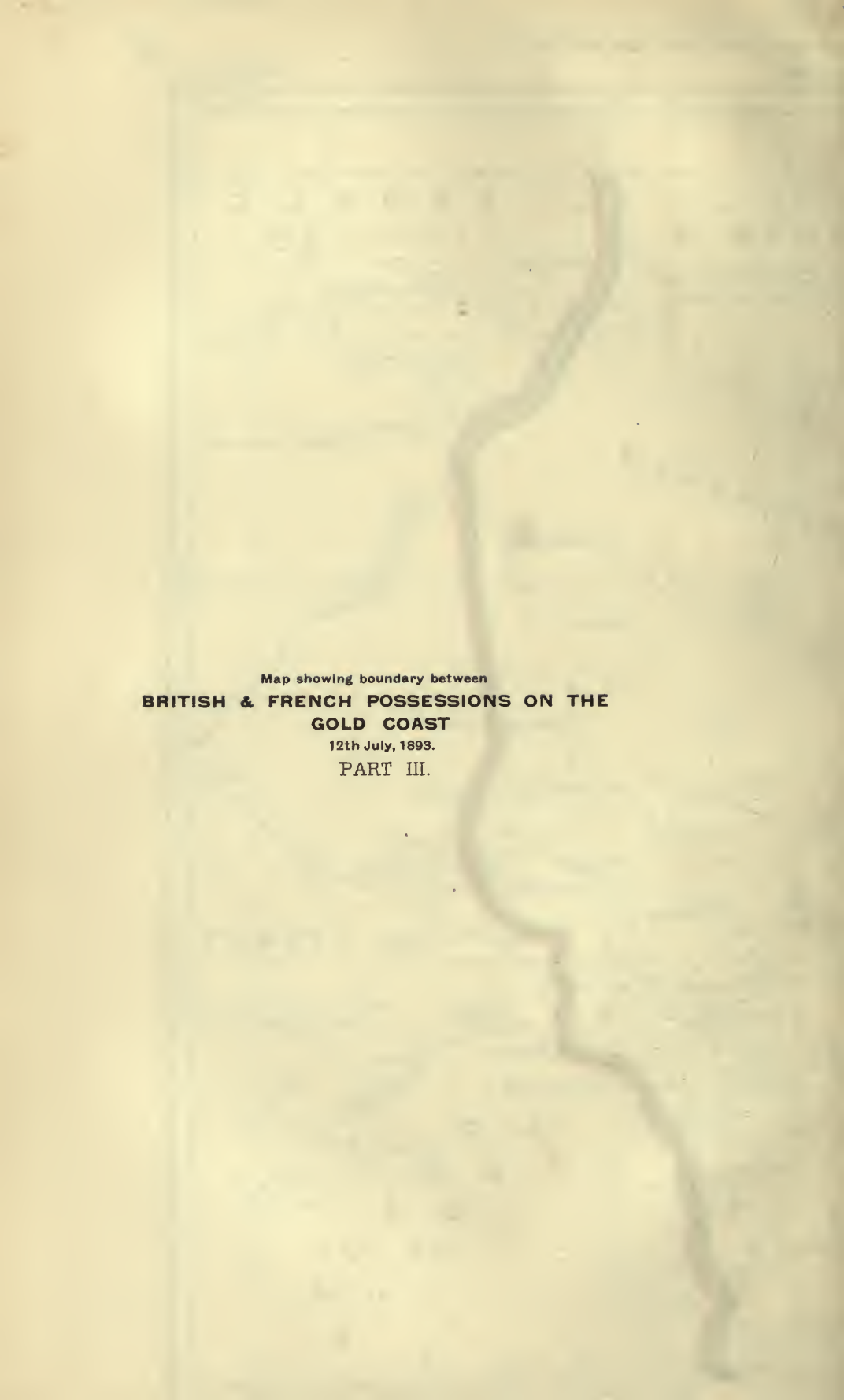
12th July, 1893.

PART III.

Map
BOUNDAR
BRITISH AND FRENCH POSS
12th




5° 0'
4° 30'
9° 0'
8° 30'
8° 0'
BOUALÉ
Boualé ou Bolé
Himbiou
Badaraso
Ouandélisséné
Ouadieguéséné
Bouna ou Bona
R. Volta Noire ou Occidentale
Bonfou
Siripé
Kirhindi
Santibanancoro
Bandagadi
Takhari
(R.)
Biringuia (Campt)
Yérékaï
Kammala ou Kampala
Sarpilli
Tambi
Compt.
Bouroy
Penkouloudougou
Sorobango
Terre des LIGOUY
Kanguéré or Kongara
Soumbala
Bondoukou
Soko
Bouko
Kwobyn
Bonfi or Bofie (R.)
Diamra
Meney (R.)
Kanasio
Kounoun
Apoumchim
Tsontsoda
Yomia
Dadiasi
Pouendjaso
Tain R.
Akrouby
Wonki
Ekwesoua
Awitwesa
Asembeywi



Map showing boundary between

BRITISH & FRENCH POSSESSIONS ON THE GOLD COAST

12th July, 1893.

PART III.

No. 118.—*ARRANGEMENT between Great Britain and France, fixing the Boundary between the British and French Possessions on the Gold Coast. Signed at Paris, 12th July, 1893.**

THE Special Commissioners nominated by the Governments of Great Britain and France, in accordance with Article V of the Agreement of the 10th August, 1889 (**No. 110**), having failed to trace a line of demarcation between the territories of the two Powers on the Gold Coast, in conformity with the general provisions of Article III of the said Agreement, and with the indications of the concluding paragraph of the Agreement of the 26th June, 1891 (**No. 114**), the undersigned Plenipotentiaries, charged in execution of the declarations exchanged at London on the 5th August, 1890 (**No. 113**), between Her Britannic Majesty's Government and the Government of the French Republic, to proceed to delimit the respective spheres of interest of the two countries in the districts south and west of the Middle and Upper Niger, have agreed to fix on the following conditions the line of demarcation between the French and British Possessions on the Gold Coast :—

British Frontier.

1. The British frontier starts from the sea-coast at Newtown, at a distance of 1,000 metres to the west of the house occupied in 1884 by the British Commissioners, thence goes true north to the Tanoe or Tendo Lagoon, follows the south bank of that lagoon to the mouth of the River Tanoe or Tendo (of the four islands near that mouth the two to the south being assigned to Great Britain, and the two to the north to France). The British frontier thence runs along the left bank of the Tanoe or Tendo River as far as the village of Nougoua, which, being on its right bank, Great Britain consents to recognize as belonging to France.

* Par. Paper, "Treaty Series, No. 13 (1893)." See Maps facing p. 592.

French Frontier.

2. The French frontier starts similarly from the sea-coast at Newtown, at a distance of 1,000 metres to the west of the house occupied in 1884 by the British Commissioners. It thence goes true north to the Tanoe or Tendo Lagoon, and crossing that lagoon, follows its north bank and the north and east banks of the Ehi Lagoon to the mouth of the Tanoe or Tendo River, and continues along the right bank to the village of Nougoua.

British Frontier continued.

Thence the British frontier continues to follow the left bank of the Tanoe or Tendo River for a distance of 5 English miles above the present residence of the Chief in the village of Nougoua. At the 5-mile point it crosses the river and becomes the common frontier indicated below.

French Frontier continued.

The French frontier follows similarly for a distance of 5 miles above Nougoua the right bank of the Tanoe or Tendo until it joins the British frontier.

Common Frontier.

4. The common frontier then leaves the River Tanoe and strikes northward to the centre of Ferra-ferrako Hill. Thence passing 2 miles to the eastward of the villages of Assikasso, Sankaina, Asambosua, and Akuakru, it runs 2 miles to the eastward of the road leading from Suakru to the Boi River, reaching that river 2 miles to the south-eastward of Bamianko, which village belongs to France. Thence it follows the thalweg of the Boi River and the line traced by Captain Binger* (as marked on the annexed map), leaving Edubi with territory extending 1 mile to the north of it to France, until it reaches a

* *Title of Map.* "Carte du Haut-Niger au Golfe de Guinée par le pays de Kong et le Mossi, levée et dressée de 1887 à 1889, par L. G. Binger, Capitaine d'Infanterie de Marine, par ordre de M. Etienne, Sous-Secrétaire d'Etat des Colonies."

point 16,000 metres due east of Yau. Thence it coincides with the line traced by Captain Binger (as marked on the annexed map) to a point 1,000 metres to the south of Aburuferassi, which village belongs to France. Thence it runs 10 kilom. to the westward of the direct road from Annibilekrou to Boudoukou by Bodomfil and Dadiassi, passes midway between Buko and Adjemrah, runs 10 kilom. to the eastward of the road to Bondoukou *viâ* Sorobango, Tambi, Takhari, and Bandagadi, and reaches the Volta at the spot where that river is intersected by the road from Bandagadi to Kirhindi. Thence it follows the thalweg of the Volta to its intersection by the 9th degree of north latitude.

Right of Fishing in the Tanoe or Tendo River.

5. It is agreed that the inhabitants of French villages who, previously to the conclusion of this Agreement, enjoyed the right of fishing on the Tanoe or Tendo River, shall continue to enjoy that right subject to local Regulations.

6. The boundary detailed in this Agreement is marked on the map which is annexed hereto.

7. This Agreement is regarded by the two Governments as completing and interpreting Section 1 of Article III of the Agreement of the 10th August, 1889 (**No. 110**), which concerns the delimitation of the British and French Possessions on the Gold Coast, and the concluding paragraph of the Agreement of the 26th June, 1891 (**No. 114**).

Paris, July 12, 1893.

Le texte Anglais ci-dessus est conforme au texte Français original.

Les Commissaires Britanniques,
E. C. H. PHIPPS.
J. A. CROWE.

Les Commissaires Français,
GABRIEL HANOTAUX.
J. HAUSMANN.

GREAT BRITAIN AND GERMANY.

GREAT BRITAIN AND GERMANY.*

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No. 119.—*ARRANGEMENT between Great Britain and Germany, relative to their respective Spheres of Action in portions of Africa. 29th April—16th June,* 1885.*

(1.) *Earl Granville to Count Münster.*

M. l'Ambassadeur, *Foreign Office, 29th April,* 1885.

In my note of the 19th ultimo, I had the honour to forward to your Excellency the draft of a Memorandum of Agreement for separating and defining the spheres of action of Great Britain and Germany in those parts of Africa where the Colonial interests of the two countries might conflict.† In the subsequent negotiations it has been notified that the German Government accept the proposed Agreement with certain modifications. I am consequently now in a position to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, formally to adhere to the following Arrangement.

Gulf of Guinea and interior Districts.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influences in that part of the coast of the Gulf of Guinea, or in the interior districts to the east of the following line: that is, on the coast, the right river bank of the Rio del Rey entering the sea between 8° 42′ and 8° 46′ longitude east of Greenwich; in the interior a line following the right river bank of the Rio del Rey from the said mouth to its source, thence striking direct to the left river bank of the Old Calabar or Cross River, and terminating after crossing that river at the point about 9° 8′ of longitude east of Greenwich, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in the coast of the Gulf of Guinea lying between the right

* See also Arrangements, 27th July—2nd August, 1886, p. 612; 1st July, 1890, Art. IV, § 2, p. 647; 14th April, 1893, p. 654; and 15th November 1893, p. 658.

† See S. P., vol. lxxvi, p. 755.

river bank of the mouth of the Rio del Rey, as above described, and the British Colony of Lagos; nor in the interior to the west of the line traced in the preceding paragraph.

Victoria, Ambas Bay, to remain a British Possession.

Both Powers agree to withdraw any Protectorates already established within the limits thus assigned to the other, a reservation being specially made as to the settlement of Victoria, Ambas Bay, which will continue to be a British Possession.*

East Coast. British Flag at Santa Lucia Bay.

Germany engages to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay,†

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

I shall be glad to receive from your Excellency a formal notification that the German Government accept the arrangement above recorded.

I have, &c.,
GRANVILLE.

(2.) *Earl Granville to Count Münster.*

Victoria, Ambas Bay.

M. l'Ambassadeur, *Foreign Office, 29th April*, 1885.

Your Excellency is aware that, in the Agreement for defining the limits of the territorial jurisdiction of Great Britain and Germany on the West Coast of Africa in the neighbourhood of the Cameroons,‡ which I proposed to Count Herbert Bismarck, and of which I am to day requesting the formal acceptance by the German Government, I made an express exception as regards Ambas Bay, on account of the rights there

* A Notification of the assumption of British Sovereignty over Ambas Bay was issued on the 19th July, 1884. H. T., vol. xvii, p. 57. Transferred to Germany, 28th March, 1887. See note, p. 600.

† See Great Britain (Zululand).

‡ See Note, p. 661, on the "Hinterland."

of a settlement of Baptist missionaries whom Her Majesty's Government could not undertake to transfer against their will to German jurisdiction.

I stated, however, at the time, and I have the authority of the Secretary of State for the Colonies to repeat, that if the German Government should be able themselves to come to a satisfactory arrangement with the missionaries, there being no political necessity involved, the difficulty as to the cession of Ambas Bay would disappear, and Her Majesty's Government would be ready to agree to its being included in the territories to be placed, in accordance with the arrangement, under German protection.*

I have, &c.,
GRANVILLE.

(3.) *Count Münster to Earl Granville.*

(Translation.)

My Lord, *German Embassy, London, 7th May*, 1885.

I HAVE had the honour to receive your note of the 29th ultimo on the subject of the negotiations between the Imperial Government and Her Majesty's Government with regard to a separation and definition of their respective spheres of influence in the territories on the Gulf of Guinea.

An understanding of the following nature is therein proposed:—

Gulf of Guinea.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence in that part of the coast and interior of Guinea which lies east of the line which is drawn through the right river-bank of the Rio del Rey† which enters the sea between 8° 42′ and 8° 46′ east longitude to its source, and thence in a straight line turns to the left towards the left river-bank of the Old

* See note, pp. 597, 600.

† Rio del Rey Creek. See Agreements, 1st July, 1890, Art. IV, § 2, p. 647; 14th April, 1893, p. 654; and 15th November, 1893, p. 658.

Calabar or Cross River, and crossing that river, terminates at a point about 9° 8′ of east longitude, marked "Rapids" on the English Admiralty Chart.

Germany engages not to make acquisitions, accept Protectorates, or interfere with the extension of British influence in that part of the coast and interior of Guinea which lies between the line as above described, beginning at the mouth of the Rio del Rey* and the British Colony of Lagos.

Victoria, Ambas Bay.

Both Powers agree to withdraw all Protectorates which they have already established within the limits hereafter assigned to the other party, a reservation being specially made as to the Settlement of the missionaries at Victoria, Ambas Bay, which will continue to be a British possession.†

East Coast. British Flag at Santa Lucia Bay.

Germany declares herself ready to withdraw her protest against the hoisting of the British flag at Santa Lucia Bay,‡

Coast between Natal and Delagoa Bay.

And to refrain from making acquisitions of territory or establishing Protectorates on the coast between the Colony of Natal and Delagoa Bay.

German Acceptance of Arrangement.

Your Lordship having informed me by your note of the 29th ultimo, above referred to, that, as soon as the German Government declares its assent, the British Government are ready to formally recognize the arrangements proposed above as binding, I have been authorized to declare the acceptance on the part of the Imperial Government of this arrangement.

I take, &c.,

MÜNSTER.

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* Rio del Rey Creek. See Agreements, 1st July, 1890, Art. IV, § 2, p. 647; 14th April, 1893, p. 654; and 15th November, 1893, p. 658.

† See note of same date, next page.

‡ See Great Britain (Zululand).

(4.) *Count Münster to Earl Granville.*

Victoria, Ambas Bay.

(Translation.)

My Lord, *German Embassy, London, 7th May*, 1885.

In your note of the 29th ultimo on the subject of the definition of the spheres of British influence of Germany and England in the Gulf of Guinea, it is stated that the Settlement of Victoria, Ambas Bay, remains for the present a British possession.

By your note of the same day with reference to the negotiations which have taken place relative to the cession of Ambas Bay, your Excellency has, however, in conjunction with the Secretary of State for the Colonies, repeated the assurance given to Count Bismarck, that the cession of Ambas Bay presents no political difficulties, and that the English Government would agree to it as soon as the German Government could come to an understanding with the English Mission Society.*

In acknowledging the receipt of this communication, and taking note of the understanding of the two Governments with regard to its contents, I take the opportunity of, &c.

MÜNSTER.

(5.) *Earl Granville to Count Münster.*

Commercial Relations.

Foreign Office, 16th May, 1885.

M. l'Ambassadeur,

Dr. Krauel, in his recent interviews respecting the arrangement now concluded regarding the Protectorates of Great Britain and Germany on the African coast, stated that it is the wish of the German Government that the settlement of the boundary between the British and German Protectorates on the Gulf of Guinea should be followed by negotiations for a

* Victoria was transferred to the Sovereignty of Germany, 28th March, 1887, since which date it has formed part of the German Protectorate of the Cameroons.

commercial arrangement insuring equality of treatment for the trade of the two countries in the respective Protectorates.

It was pointed out that while Her Majesty's Government fully accepted the principle of equality of treatment, it was premature to negotiate the adoption of formal engagements as the question of the administration of the Protectorates must first be settled. Dr. Krauel urged that at any rate such assurances might be exchanged as might satisfy traders that there would be no differential treatment, and that no excessive duties would be imposed. These assurances Her Majesty's Government have no difficulty in giving, and I have consequently to request your Excellency to convey to the German Government the following expression of their views and intentions :—

Her Majesty's Government cannot at present make any definite declaration as to the limit of duties to be imposed, but they are prepared to give the assurance that those duties will be levied solely for the purpose of meeting the expenses necessary to enable them to carry out the obligations imposed upon them by the Protectorates, and that they will be as moderate as possible.

They are prepared to give every assurance that there shall be no differential treatment of foreigners or foreign goods.

They will be fully prepared to apply to the British Protectorates the provisions of the second paragraph of the Vth Article of the Act of Berlin (**No. 17**), which secures protection to the persons and property of foreigners, and to engage that there shall be no differential treatment of foreigners as to settlement or access to the markets, it being understood that the regulation of these questions must be subject to administrative dispositions in the interests of commerce and of order.

They are ready to undertake that no less than four months' notice shall be given by the local authorities of the adoption of any alteration in the Tariff of duties.

I have to request your Excellency to explain that these assurances are given subject only to the receipt of a reciprocal undertaking from the German Government as regards the German Protectorates, and I shall be glad to learn from your

Excellency whether the German Government are prepared to give such an undertaking.

I have, &c.,
GRANVILLE.

(6.) *Count Münster to Earl Granville.*

Commercial Arrangements.

(Translation.)

My Lord, *German Embassy, London, 2nd June*, 1885.

In your note of the 16th ultimo you communicated to me a résumé of the Rules which the British Government are prepared to observe for the regulation of trade and commerce in the territories on the Gulf of Guinea which are under their protection. You added that the engagement to carry out these Rules was made on the understanding that assurances of a similar nature would be given on the part of the Imperial Government as to the German Protectorates on the Gulf of Guinea.

I did not omit to bring your above-mentioned note to the notice of my Government, and I am now authorized to make the following answer:—

With respect to the promises made by the British Government, the Government of His Majesty the Emperor declares itself ready to make the following engagements with regard to its Protectorates on the Gulf of Guinea:

Customs shall only be raised to such an amount as may be considered sufficient to cover the expenses arising from the taking over of the Protectorate.

The customs rates shall be fixed as low as possible, without, however, being confined to any fixed maximum.

There shall be no differential treatment of British subjects or British goods.

Security of Persons and Property of Foreigners.

The conditions in Section 2 of Article V of the General Act

of the Berlin Conference of the 26th February last (**No. 17**), which provided for the security of the persons and property of foreigners, shall be applicable to British subjects in German Protectorates; and with the reservation of certain Governmental regulations in the interests of trade and public order, no differential treatment of British subjects with regard to their establishment at or communications with the markets shall take place.

Any changes in the Customs Tariff shall be made known at least four months before their execution by the local authorities.

I have, &c.,
MÜNSTER.

(7.) *Earl Granville to Baron Plessen.*

Commercial Relations.

M. le Baron, *Foreign Office, 10th June*, 1885.

I HAVE the honour to request that you will be good enough to furnish me with an explanation of the point which is not altogether clear in the note from his Excellency Count Münster of the 2nd instant, on the subject of the commercial relations of Great Britain and Germany in the territories in the Gulf of Guinea under their Protectorate.

In my note of the 16th May I said that Her Majesty's Government would be ready to give every assurance that there should, in the British Protectorate, be no differential treatment of foreigners. I added that they would be prepared to engage that there should be no differential treatment as to settlement or access to the markets, it being understood that the regulation of these questions, as well as of the application of the provisions of Article V of the Act of Berlin (**No. 17**), must be subject to administrative dispositions in the interests of commerce and of order.

In Count Münster's reply a corresponding general assurance was given as to differential treatment, and in response to the suggestion as to the additional engagement, the following

words are used: "es soll . . . . vorbehaltlich gewisser Verwaltungs Vorschriften im Interesse des Handels und der öffentlichen Ordnung, keine ungleiche Behandlung von Englischen Unterthanen in Bezug auf Niederlassung oder Zugang zu den Handelsmärkten gestattet sein." I have the honour to inquire whether the meaning of these words is that the equality of treatment of British subjects as to settlement or access to markets is subject to regulations to be made from time to time; and if this is the meaning, as it doubtless will have arisen from a misconception of the phrase used in my note, I have to explain that the assurance which it was intended that the two Governments should exchange was that there should be absolute equality of treatment on these points. In making the reservation respecting regulations my object was to let it be understood that foreigners would be subject, equally with British subjects, to such rules as regards settlement and access as the Administration might think proper to impose.

I have, &c.,

GRANVILLE.

(8.) *Earl Granville to Sir E. Malet.*

Commercial Relations.

Sir, *Foreign Office, 16th June*, 1885.

Baron von Plessen called to-day and stated that he had been instructed to explain, in reply to my note to Count Münster of the 10th instant, that the passage in his Excellency's note to which I had referred was meant to be a translation of the corresponding passage in my note of the 16th May. He said that he was authorized to state that the German Government understood the assurance given by them in the same sense as that in which Her Majesty's Government interpreted the assurance given on the part of England.

I have, &c.,

GRANVILLE.

No. 120.—*PROCES-VERBAL, containing the unanimous opinions of the Delegates of Great Britain, France, and Germany, with reference to the Maritime, Littoral, and Continental Possessions of the Sultan of Zanzibar. Zanzibar, 9th June,* 1886.*

(Translation.)

THE Delegates of the three Powers† declare by these presents that they unanimously recognize the sovereign rights of His Highness the Sultan of Zanzibar at the points mentioned below.

N.B.—The Commission has adopted as measure for distance the geographical mile of sixty to the degree.

Islands of Zanzibar and Pemba.

1. The Islands of Zanzibar and of Pemba, and the small islands which are geographically dependent upon them, that is to say, those lying within a radius of 12 miles round the said islands.

Coast and neighbouring Territories.

2. As regards the coast and the neighbouring territories, extending from the southern frontier and running northwards.

* S.P., vol. lxxvii, p. 1128.

† Great Britain, France, and Germany. Lt.-Col. (now Sir Horatio) Kitchener was appointed British Commissioner on the 17th October, 1885. For instructions given to him by the Marquis of Salisbury, see Par. Pap. "Zanzibar, No. 3 (1887)," p. 73. This "Procès-Verbal" was accepted by the British and German Governments by an Exchange of Notes, dated 29th October and 1st November, 1886 (see p. 615); and by the Sultan of Zanzibar, by an Exchange of Notes, dated 3rd and 4th December, 1886 (see Great Britain and Zanzibar, p. 754). On the 28th November, 1884, Prince Bismarck assured Sir E. Malet that Germany was not endeavouring to obtain a Protectorate over Zanzibar; and in a Note which Sir E. Malet addressed to Count Hatzfeldt, on the 18th January, 1885, an explanation was given of the interest which the British Government felt in the maintenance of the sovereignty of the Sultan of Zanzibar, whose independence, it was stated, they desired to support. In this Note it was pointed out that, since the division in 1861 of the Kingdoms of Muscat and Zanzibar, under separate Sultans, Her Majesty's ships had kept the peace in Zanzibar waters, and had maintained an active and successful hostility against the Slave Trade, in the cause of humanity and civilisation (Par. Pap. "Africa No. 1 (1886)").

Minengani and Tunghi.

Minengani and Tunghi: The southern frontier of the States of the Sultan may be defined by a line which, following the Minengani River for a distance of 5 miles, would continue on the line of latitude until it touched the right bank of the Rovuma.

Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi.

3. The Bay of Mikindani, Lindi, Mchinga Kiswere, Kilwa-Kiswani, and Kilwa-Kivingi; the line limiting the territories possessed by the Sultan would run parallel with the coast for a distance of 10 miles until it reached the latitude of Kilwa-Kivingi; it would then run as far as the coast, leaving a radius of 10 miles round this last point.

Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam.

4. The Island of Mafia, Samanga, Kikounya, Kisijou, and Dar-es-Salam, with the territories adjoining each of these points within a radius of about 10 miles.

Bagamoyo, Saadani, Pangani and Wanga.

5. Bagamoyo, Saadani, Pangani, and Wanga, with all the coast situated between Dar-es-Salam and Wanga, and the territories belonging to them, with a depth of 3 miles: The line of demarcation, starting from a radius of 10 miles round Dar-es-Salam, would extend to the latitude of the town of Bagamoyo, and would then run straight to the village of M'toni, situated on the River Kingani, and after following the right bank of that river to a distance of 3 miles from the coast, it would run northwards and, keeping at a distance of 3 miles from the coast, as far as Cape Utoudwe, in order, from that point, and in a direct line, to become a tangent to a radius of 10 miles round the town of Saadani. At Saadani and Pangani the line of demarcation would radiate 10 miles round each point; the radii thus formed would be connected by a line running parallel to the coast, at a distance of 10 miles. From the Pangani radius the line of demarcation, striking this radius at a distance of 5 miles from the coast, would run in a northerly direction

parallel to this, and would terminate at a point placed 5 miles to the west of Wanga.

Mombaze (Mombasa) and Takaungo.

6. Mombaze and Takaungo: The line marking the depth of the Possessions of the Sultan would proceed from the point specified to the west of Wanga, parallel to the coast, and at a distance of 5 miles from the latter, to the line of latitude of the mouth of the small river which runs into the Bay of Gazi to the south of the village of that name, where it would stop, in order to recommence, after a break corresponding with that of the coast, on a line of latitude to 2 miles to the north of the village of Gazi, and 5 miles from the coast. Continuing towards the north and parallel to the coast at a distance of 5 miles it would come into contact with a radius of 10 miles round Mombaze, and from the north of this radius, always at a distance of 5 miles from the coast, it would run into the right bank of the Kilifi, taking in Takaungo.

Malindi, Mambrui, Kau, Kipini, and Lamou.*

7. Malindi, Mambrui, Kau, Kipini, and Lamou: At Malindi and Mambrui the line of demarcation would radiate to 5 miles round each point. At Kau and Kipini the land under the Sultan's sway would be limited to that occupied by the town, and at Lamou the authority of His Highness would be confined to the island.

*Limits of Kismayu, Brava, Meurka, and Magadisho.**

8. Kismayu, Brava, Meurka, and Magadisho: The territory belonging to the Sultan does not extend beyond that circumscribed within the walls of those towns.

Reservation.

Express reservation is made by the three undersigned Delegates to refer to their respective Governments the claims of His Highness the Sultan of Zanzibar to the possession of the territories and countries to which the unanimous opinions contained in the present *procès-verbal* do not refer.

Done at Zanzibar, 9th June, 1886.

SCHMIDT. LEMAIRE. H. H. KITCHENER.

* See also Agreement between Great Britain and Germany, October—November, 1886, p. 615.

No. 121.—*PROTOCOL signed between the British and German Representatives respecting the rights of British Subjects in the South-West African Territories under German Protection. Berlin, 15th July,* 1886.*

PROTOCOL.

THE Undersigned Commissioners, having met and discussed fully those British claims in the territories placed under German protection in South-west Africa, upon which Messrs. Bieber and Shippard, the Commissioners at Cape Town, had disagreed,† agree to submit to their Governments the following recommendations :—

1. *Ebony Mines.*

That if Robert Lewis or his assigns desire to work this mine, he or they be at liberty to do so, and to convey the ore to the coast until the 21st of September, 1898, without payment to and without hindrance or interference by the Colonial Company.

2. *Sandwich Harbour.*

That Mr. Anders Ohlson (trading as A. Ohlson and Co.) and Messrs. De Pass, Spence, and Co. respectively, be held to have acquired a full title in perpetuity for themselves and their assigns to the lands and buildings which they respectively have heretofore occupied in Sandwich Harbour for the purposes of the fishery, together with the right to each firm of taking at any time any other sites on the shore of this harbour, and of erecting buildings thereon, should the sand, as has happened before, shift so as to render useless the land which is now, or at any future time may be, occupied by the buildings; it being understood that any site so taken becomes the absolute property of Messrs. De Pass, Spence, and Co., or of Mr. Ohlson, or their respective assigns, as the case requires, and that they have no further claim to the land which they previously occupied; but that neither firm nor their assigns are entitled to

* H.T., vol. xvii, p. 1172. S.P., vol. lxxvii, p. 1042. Approved by British and German Governments (see p. 610).

† See S. P., vol. lxxv, p. 547.

take any site occupied by other persons, nor to take any site the occupation of which would interfere with other persons.

Sandwich Harbour. Coast Fishery.

That it should be further recognized that the firms of A. Ohlson and De Pass, Spence, and Co. have the right of coast fishery in Sandwich Harbour, and along the coast between Sandwich Harbour and the point 23° 20′ S. lat., 14° 31′ E. long., with the right of landing on and using for fishery purposes any part of the coast not in the private possession of third parties, subject always to the observance of any laws and regulations which may be issued by the competent authorities. The said firms shall not, however, have any right to hinder other persons from also fishing there, or from establishing themselves in Sandwich Harbour.

3. *Hottentot Bay.*

That Messrs. De Pass, Spence, and Co. have in like manner acquired a full title in perpetuity for themselves and their assigns to the guano deposits at Hottentot Bay, and to the land which they now occupy there for carrying on fishery or collecting of guano.

4.-*Unnamed Islets and Rocks* (*Penguin Islands, Shark Island, &c.*). *Expiry of Lease, 30th June*, 1895.

That Messrs. De Pass, Spence, and Co. and their assigns be free to make use, as they have hitherto done, of these islets and rocks, including Shark Island, without payment until the expiry of their lease, that is to say, until the 30th June, 1895; and if the British Government waive all claim to the sovereignty of these islands and rocks and acknowledge the sovereignty of Germany over them, then that the latter Power should consent to confer no private rights over them to any persons other than the lessees for the time being of the 12 British Islands named in the Letters Patent of the 27th February, 1867.*

* Ichaboe, Hollansbird, Mercury, Long Island, Seal Island, Penguin Island, Halifax, Possession Island, Albatross Rock, Pomona, Plum Pudding and Roast Beef (or Sinclair Island). S. P., vol. lxvii, p. 54. See also vol. lxxv, p. 551. See GREAT BRITAIN (CAPE COLONY), p. 344. Bird Island is in Walfisch Bay, Shark Island in the Bay of Angra Pequeña.

Upon this understanding the British Commissioner will recommend his Government to acknowledge forthwith the sovereignty of Germany in these islets and rocks.

5. *Mainland Claims. Pomona Mine.*

That Messrs. De Pass, Spence, and Co. should be held to have acquired for themselves and their assigns a full title in perpetuity to the Pomona Mine, with two English miles of land round the mine on every side; and that they should have the right to use the lagoon for their vessels, and to make use of the land round the lagoon for all purposes as they have done hitherto, without payment and without hindrance or disturbance by the Colonial Company, and if irreconcilable disputes between the firm and the company should arise as to the proper exercise of these rights on land, then that the chief officer of the German Government within the Protectorate shall allot to Messrs. De Pass, Spence, and Co., or their assigns, sufficient land for the purposes of their business, conveniently situated on the shore of the lagoon, and that the land so allotted shall become the absolute property in perpetuity of the persons to whom the same is allotted, but that such allotting of land shall in no way affect or lessen their right to use the lagoon for their vessels.

CHARLES S. SCOTT.
R. KRAUEL.

Berlin, July 15, 1886.

Approval by the British and German Governments of the above Protocol.

(1.) *British Approval. 23rd October*, 1886.

M. LE SECRÉTAIRE D'ÉTAT,

Her Majesty's Government have had under their consideration the Protocol, signed by Dr. Krauel and Mr. Scott, containing the joint recommendation of the Imperial and British Commissioners for a settlement of certain outstanding British claims in the Imperial Protectorate of South-west Africa, in regard to which the Commissioners at Cape Town failed to

arrive at an agreement. I have now the honour to inform your Excellency, by direction of Her Majesty's Principal Secretary of State for Foreign Affairs, that the arrangements embodied in the Protocol in question are approved and accepted by Her Majesty's Government. In acquainting your Excellency with this decision, I am to add that Her Majesty's Government would be glad to be informed whether the Imperial Government in like manner approve and accept the arrangement in question.

I have, &c.,
EDWARD E. MALET.

H.E. Count Bismarck.

(2.) *German Approval.*

(Translation.)

German Embassy, London,
November 13, 1886.

My Lord,

In a note of the 23rd ultimo the British Ambassador in Berlin informed the Imperial Government that his Government agreed to the proposals contained in the Protocol, the German version of which is herewith inclosed, respecting the rights of British subjects in the South-west African territories under German protection, which Protocol was signed on the 15th of July last by Mr. Scott, the First Secretary of the English Embassy in Berlin, and Dr. Kraul, Privy Councillor of Legation.

Sir Edward Malet stated, at the same time, that the British Government wished to be informed whether the Imperial Government also agreed to the proposals in question.

In reply, I am instructed to express the concurrence of my Government in the proposals made in the enclosed Protocol.

The Imperial Government is prepared to take the necessary steps to communicate the provisions of the Protocol to those interested, and as far as necessary to superintend the execution of those provisions through the Imperial officials in the protected territory.

I have, &c.,
v. HATZFELDT.

The Earl of Iddesleigh.

No. 122.—*SUPPLEMENTARY ARRANGEMENT between Great Britain and Germany, relative to their respective Spheres of Action in the Gulf of Guinea. 27th July—2nd August*, 1886.*

(1.) *The Earl of Rosebery to Count Hatzfeldt.*

M. l'Ambassadeur, *Foreign Office, 27th July*, 1886.

On the 29th April, 1885,† Earl Granville notified to his Excellency Count Münster the adherence of Her Majesty's Government to an Arrangement under which a specified line of demarcation would separate the districts on the Gulf of Guinea within which Great Britain and Germany would respectively be free to acquire territory, accept Protectorates, and exercise influence. On the 7th of the ensuing month Count Münster notified the acceptance of the Arrangement by the German Government.‡

The line agreed upon follows in the interior the right river-bank of the Rio del Rey§ from the mouth of the river to its source, thence strikes direct to the left river-bank of the Old Calabar, or Cross River, and terminates, after crossing that river, at the point, about 9° 8′ of longitude east of Greenwich, marked "Rapids" on the English Admiralty Chart.

The German Government have proposed an extension of the line into the interior. Her Majesty's Government have accepted the proposal. The suggestions of Her Majesty's Government as to the direction which the extended line should take, and as to its limitation, have been adopted by the German Government.

I have, consequently, now formally to state that Her Majesty's Government are prepared, on receiving the assent of the German Government, to agree to an extended line of demarcation, which, starting from the point on the left river-bank of the Old Calabar or Cross River, where the original line

* S.P., vol. lxxvii, p. 1049. See also Agreements, 1st July, 1890, p. 642; 14th April, 1893, p. 654; and 15th November, 1893, p. 658.

† Page 596.

‡ Page 598.

§ Rio del Rey Creek. See Agreements, 1st July, 1890, Art. 4, § 2, p. 647, and 14th April, 1893, p. 654.

terminated, shall be continued diagonally to such a point on the right bank of the River Benue to the east of, and close to, Yola,* as may be found on examination to be practically suited for the demarcation of a boundary.

Her Majesty's Government undertake to apply to the districts to the west of the extended line the assurances as to the regulation of trade given in Earl Granville's note of the 16th May, 1885,† provided that the German Government give reciprocal assurances as regards the districts to the east of the line corresponding with those given in Count Münster's note of the 2nd June, 1885.‡

I should be glad to receive from your Excellency a formal notification that the German Government accept the line and give the requisite assurances.

I have, &c.,

ROSEBERY.

(2.) *Count Hatzfeldt to the Earl of Rosebery.—(Received 3rd August.)*

(Translation.)

My Lord, *German Embassy, 2nd August*, 1886.

Supplementing the notes of the 29th April and 7th May of last year, exchanged between Count Münster and Lord Granville respecting the delimitation of the German and English spheres of interest on the Gulf of Guinea,† your Lordship was so good as to inform me, in the note of the 27th ultimo, that the Royal Government of Great Britain is ready to undertake with the Imperial Government a further delimitation in those territories. In the above note an Agreement is proposed in substance as follows:—

From the terminal point, indicated in the English Admiralty Chart as "Rapids," of the original frontier-line fixed by the

* See Agreement, 15th November, 1893, p. 658.
† Page 600.
‡ Page 602.

29th April and 7th May of last year,* shall be produced a further line, which, starting from the Old Calabar rapids, shall pursue a diagonal direction towards a point on the right bank of the River Benue, situate to the east, and in the immediate vicinity of the town of Yola, and which shall prove, upon investigation, to be practically suitable for the determination of this line.†

The Government of Her Majesty the Queen gives the assurance that the Regulations respecting trade, as laid down in Lord Granville's note of the 16th May, 1885,‡ shall also apply to the territory lying to the west of the new prolonged boundary-line, provided that the Imperial Government tenders an assurance analogous to that of Count Münster's note of the 2nd June, 1885,§ for the districts situate to the east of the new line.

Your Lordship was so good as to add that the Royal Government of Great Britain is prepared to acknowledge the above Agreement as binding, if it meets the consent of the Imperial Government. I am accordingly charged, and have the honour to reply to your Lordship, that the Imperial Government gives its assent to the Agreement proposed by your Lordship.

With &c.,
v. HATZFELDT.

* See Agreement, 29th April—16th June, 1885, p. 596.

† See Notifications, British Protectorate of the Niger Districts, 5th June, 1885, p. 445, 18th October, 1887, p. 449, and 13th May, 1893, p. 479. See also Arrangement, 15th November, 1893, p. 658.

‡ Page 600.

§ Page 602.

No. 123.—*AGREEMENT between the British and German Governments, respecting the Sultanate of Zanzibar and the opposite East African Mainland, and their Spheres of Influence. 29th October—1st November*, 1886.*

(1.) *Count Hatzfeldt to the Earl of Iddesleigh.*

(Translation.)

My Lord, *German Embassy, London, 29th October*, 1886.

The Government of His Majesty the Emperor and that of Her Britannic Majesty having agreed to regulate various questions connected with the Sultanate of Zanzibar and the opposite East African mainland by means of a friendly understanding, verbal communications have with this object taken place, at which the following articles have been agreed upon :—

Recognition of Sovereignty of Sultan of Zanzibar over Islands of Zanzibar, Pemba, Lamu, Mafia, &c.

1. Germany and Great Britain recognize the sovereignty of the Sultan of Zanzibar over the Islands of Zanzibar and Pemba, and over the smaller islands which lie in the neighbourhood of the above within a radius of 12 sea miles, as well as over the Islands of Lamu and Mafia.†

Recognition of Sultan of Zanzibar's Sovereignty over certain Territories on the mainland.

On the mainland‡ they likewise recognize as possessions of the Sultan a line of coast which stretches without interruption from the Minengani River at the head of Tunghi Bay to Kipini. This line commences on the south of the Minengani River, follows the course of that river for 5 sea miles, and continues thence on the line of latitude to the point where it strikes the right bank of the Rovuma River, crosses the Rovuma, and runs down its left bank.

* S.P., vol. lxxvii, p. 1130. The Sultan of Zanzibar adhered to this Agreement on the 4th December, 1886, see p. 622.

† See Agreement, 1st July, 1890, p. 642.

‡ See Agreement, 1st July, 1890, p. 642.

The coast-line has an internal depth of 10 sea miles measured from the coast direct into the interior from high-water mark.

Kau.

The northern limit includes Kau.

Kismayu, Brawa, Meurka, Magadisho and Warsheik.

To the north of Kipini the said Governments recognize as belonging to the Sultan the stations of Kismayu, Brawa, Meurka, and Magadisho, with radii landwards of 10 sea miles, and of Warsheik with a radius of 5 sea miles.*

Leasing to German African Company of Customs Duties at Dar-es-Salaam and Pangani.

2. Great Britain engages to support negotiations of Germany with the Sultan for the leasing to the German African Company of the customs duties at the ports of Dar-es-Salaam† and Pangani, in return for an annual payment to the Sultan by the Company.

Respective Spheres of Influence to be defined.

3. Both Powers agree to establish a delimitation of their respective spheres of influence on this portion of the East African Continent of the same character as that to which they have agreed as regards the territories on the Gulf of Guinea.‡

Territory referred to in Arrangement.§

The territory to which this arrangement applies is bounded on the south by the Rovuma River, and on the north by a line which, starting from the mouth of the Tana River, follows the course of that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence strikes direct to the point of intersection of the 1st degree of

* See Supplementary Agreement, Great Britain and Germany, $\frac{27\text{th July}}{2\text{nd Aug.}}$, 1886, p. 612.

† The German flag was hoisted 1st January, 1891.

‡ See Agreement, 1st July, 1890, p. 612.

§ See note, respecting the Island of Lamu, p. 619.

north latitude with the 37th degree of east longitude, where the line terminates.

Line of Demarcation.

The line of demarcation starts from the mouth of the River Wanga or Umbe, runs direct to Lake Jipé, passes thence along the eastern side and round the northern side of the lake and crosses the Lumi River;

Taveita and Chagga (Kilimanjaro District).

After which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st degree of south latitude.

Mutual Engagements to respect Spheres of Influence.

Germany engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of British influence to the north of this line; and Great Britain makes the same engagement as regards the territories lying to the south of this line.

Kilimanjaro Districts.

4. Great Britain will use her good offices to promote a friendly arrangement of the rival claims of the Sultan and the German East African Company to the Kilimanjaro districts.*

Witu.†

5. Both Powers recognize as belonging to Witu the coast-line which commences to the north of Kipini and continues to the northern extremity of Manda Bay.

Invitation to Sultan of Zanzibar to accede to Berlin Act.

6. Great Britain and Germany will jointly invite the Sultan to accede to the Act of Berlin, 26th February, 1885 (**No. 17**), with reservation of His Highness' existing rights under the 1st Article of the Act.

* See page 622.

† See Agreement, 1st July, 1890, p. 642.

Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862.

7. Germany engages to adhere to the Declaration signed by Great Britain and France on the 10th March, 1862 (**No. 107**), with regard to the recognition of the independence of Zanzibar.

Having brought the foregoing articles to the knowledge of my Government, I am now authorized to declare their acceptance in the name of the Imperial Government, provided that Her Majesty's Government also make a similar declaration of their acceptance.

I have, &c.,
HATZFELDT.

(2.) *The Earl of Iddesleigh to Count Hatzfeldt.*

M. l'Ambassadeur, *Foreign Office, 1st November*, 1886.

I have had the honour to receive your Excellency's note of the 29th ultimo, in which you inform me that you are authorized to accept, on behalf of the Imperial Government, the following Articles of Agreement respecting Zanzibar and the adjoining territories, provided that they are accepted by Her Majesty's Government:—

Recognition of Sovereignty of Sultan of Zanzibar over Islands of Zanzibar and Pemba, Lamu, Mafia, &c.

1. Great Britain and Germany recognize the sovereignty of the Sultan of Zanzibar over the Islands of Zanzibar and Pemba, and over the smaller islands which lie in the neighbourhood of the above within a radius of 12 sea miles, as well as over the Islands of Lamu and Mafia.*

Recognition of Sultan of Zanzibar's Sovereignty over certain Territories on the mainland.

On the mainland† they likewise recognize as the possession of the Sultan a line of coast which stretches without interrup-

* See Agreement, 1st July, 1890, p. 642, and note, p. 619.

† See Agreement, Great Britain and France, 5th August, 1890, p. 571.

tion from the Minengani River at the head of Tunghi Bay to Kipini. This line commences on the south of the Minengani River, follows the course of that river for 5 sea miles, continues thence on the line of latitude to the point where it strikes the right bank of the Rovuma River, crosses the Rovuma, and runs down its left bank.

The coast-line has thence an internal depth of 10 sea miles measured from the coast direct into the interior from high-water mark.

Kau.

The northern limit includes Kau.

Kismayu, Brawa, Meurka, Magadisho and Warsheikh.

To the north of Kipini the said Governments recognize as belonging to the Sultan the stations of Kismayu, Brawa, Meurka, and Magadisho with radii landwards of 10 sea miles, and of Warsheik with a radius of 5 sea miles.*

Leasing to German African Company of Customs Duties at Dar-es-Salaam† and Pangani.

2. Great Britain engages to support negotiations of Germany with the Sultan for the leasing to the German African Company of the customs duties at the ports of Dar-es-Salaam and Pangani, in return for an annual payment to the Sultan by the Company.

Respective Spheres of Influence to be defined.

3. Both Powers agree to establish a delimitation of their respective spheres of influence on this portion of the East African Continent of the same character as that to which they have agreed as regards the territories on the Gulf of Guinea.‡

Territory referred to in the Arrangement.§

The territory to which the arrangement applies is bounded

* See Agreement, 1st July, 1890, p. 642.

† The German flag was hoisted 1st January, 1891.

‡ See Agreement, $\frac{27\text{th July.}}{2\text{nd Aug.,}}$ 1886, p. 612.

§ Differences having arisen between the British East Africa Company and the German Company of Witu as to the Island of Lamu, they were

on the south by the Rovuma River, and on the north by a line which, starting from the mouth of the Tana River, follows the course of that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence strikes direct to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where the line terminates.

Line of Demarcation.

The line of demarcation starts from the mouth of the River Wanga or Umbe, runs direct to Lake Jipé, passes along the eastern side and round the northern side of the lake and crosses the Lumi River.

Taveita and Chagga (Kilimanjaro District).

After which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st degree of south latitude.

Mutual Engagement to respect Spheres of Influence.

Great Britain engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of German influence to the south of this line; and Germany makes the same engagement as regards the territories to the north of this line.

Kilimanjaro Districts.

4. Great Britain will use her good offices to promote a friendly arrangement of the rival claims of the Sultan and the German East African Company to the Kilimanjaro districts.*

Witu.†

5. Both Powers recognize as belonging to Witu the coast-line which commences to the north of Kipini, and continues to the northern extremity of Manda Bay.

referred by the British and German Governments to the arbitration of Baron Lambermont, Belgian Minister of State, who pronounced his Award on the 17th August, 1889, see p. 630.

* See p. 622. See also Agreements, Great Britain and Germany, 1st July, 1890, Article I, p. 642, and 25th July, 1893, p. 656.

† See Agreement, Great Britain and Germany, 1st July, 1890, p. 642.

Invitation to Sultan of Zanzibar to accede to the Berlin Act.

6. Great Britain and Germany will jointly invite the Sultan to accede to the Act of Berlin (**No. 17**), with reservation of His Highness' existing rights under the 1st Article of the Act.*

Adhesion of Germany to Declaration between Great Britain and France of 10th March, 1862.

7. Germany engages to adhere to the Declaration signed by Great Britain and France on the 10th March, 1862 (**No. 106**), with regard to the recognition of the independence of Zanzibar.†

I have to declare on behalf of Her Majesty's Government their Acceptance of the above Articles of Agreement.

I have, &c.,

IDDESLEIGH

* The Sultan of Zanzibar acceded to the Berlin Act on the 8th November, 1886. See ZANZIBAR, p. 925.

† In a note addressed by the French Ambassador, M. Waddington, to the Marquis of Salisbury, on the 29th September, 1885, it was stated that the Cabinet of Berlin had recently informed the French Government of their adherence to the Anglo-French Declaration of 1862, with regard to the Independence of Zanzibar.

No. 124.—*ADHESION of Sultan of Zanzibar to Agreement between Great Britain and Germany of* $\frac{27th\ October}{1st\ November}$, 1886. *4th December*, 1886.*

With regard to our accepting that this part of our kingdom should be taken from us and given to Germany, we hope that the two Governments will do what is just according to this Agreement, namely, to protect our kingdom from being divided among them by other nations, and then, in consequence of the friendly way in which the two Governments of Great Britain and Germany have asked us to adhere to their Agreement, we are ready to give our adhesion, and for that purpose we have given Mohammed-bin-Salim Mauli full powers to represent us before you and sign the official Convention settling the whole question without delay.

This is from your friend.

BARGASH-BIN-SAÏD.

4th December, 1886.

* See also Exchange of Notes between Great Britain and Zanzibar, of 3rd—4th December, 1886, p. 754.

No. 125.—*AGREEMENT between Great Britain and Germany, respecting the establishment of Trading Stations within their respective Spheres of Influence in East Africa. March,* 1887.*

Note Verbale addressed by the British Ambassador at Berlin to the German Minister for Foreign Affairs, March 19, 1887.

Her Majesty's Government have received with much satisfaction the Memorandum communicated by Count Hatzfeldt on the 8th instant, stating that the German East African Company have been informed that any territorial acquisitions they may make or any claims they may put forward in those parts of East Africa which have been declared within the sphere of British interests will not be acknowledged by the Imperial Government, and that the Company must abstain altogether from sending expeditions to those parts. The Memorandum further explains that Count Pfeil's instructions from the Company had been to take charge of a trading-station at Tanganyika, on the River Kilifi, which is within the British sphere.

With regard to the question of trading-stations, Sir E. Malet is directed by Her Majesty's Principal Secretary of State for Foreign Affairs to state that, in his Lordship's opinion, it was not the intention of either Government to restrict the subjects of the other from *bonâ fide* trading operations within the sphere assigned to it. Her Majesty's Government will therefore be prepared to admit the principle that German subjects may establish trading-stations within the British sphere, and acquire land necessary for the purposes of such stations, on the understanding that claims to political, sovereign, or exclusive rights, founded on Agreements with native Chiefs or otherwise, are inadmissible, and provided that the Imperial Government admit the same principle as regards British subjects in the German sphere.

This understanding would, of course, specially apply to the coast only. As regards the interior, differential treatment in

* S. P., vol. lxxviii, p. 1063.

either sphere is prohibited, as regards traders, by the Article of the Act of Berlin applying to territory in the Free Zone (**No. 17**), while the exercise of political influence in the sphere of either country is forbidden to the other by the Anglo-German Agreement (**No. 118, 121**).

Berlin, March 19, 1887.

[The German Government did not reply to this *Note Verbale.*]

No. 126.—*AGREEMENT between Great Britain and Germany, respecting the Discouragement of Annexations in Rear of their Spheres of Influence in East Africa. July, 1887.**

The Marquis of Salisbury to Sir E. Malet.

Foreign Office, 2nd July, 1887.

SIR,

BARON VON PLESSEN called at this Office on the 22nd ultimo and stated that the German East African Association had addressed a Petition to the Imperial Government, in which they expressed their apprehensions lest the expedition undertaken by Mr. Stanley for the relief of Emin Pasha should, after effecting its purpose, be utilized for the establishment, or paving the way for the establishment, of English Protectorates at the back of the German sphere of action in East Africa.

The German Government, Baron von Plessen explained, did not share the apprehension of the Company, inasmuch as in the negotiations of last October respecting the delimitation of the English and German spheres of influence in Eastern Africa (**No. 122**), the main question was the arrangement of a line of demarcation, on the north of which the English were free to operate, while the Germans were to operate on the south of it. England expressly engaged not to acquire Possessions, accept Protectorates, or oppose the extension of German influence to the south of the line of demarcation; and although it was true that no special geographical line had been expressly fixed by agreement for the delimitation to the west, Baron von Plessen said that the Imperial Government had started from the idea that England would leave Germany a free hand for the future in the territories south of the Victoria-Nyanza Lake, and, without interfering with the territories lying to the east of the Lakes Tanganyika and Nyassa at the back of the German Protectorate, would confine herself to opening up the territories lying to the north of the agreed line. As, however, rumours

* S. P., vol. lxxviii, p. 1047. See also Note, p. 661.

had reached the Imperial Government that Mr. Mackinnon, who had largely contributed to the Emin Pasha Expedition, was not alone actuated by purely philanthropic aims, but also entertained views of a commercial and political character, which rumours harmonized with the telegraphic report received from Zanzibar, that he was treating with the Sultan for the collection of customs at Mombasa, Baron von Plessen stated that his Government had deemed it expedient to lay an early explanation of their views on this question before Her Majesty's Government.

I have to instruct your Excellency with regard to this communication to at once inform the German Government that Her Majesty's Government take the same view of the question as is entertained at Berlin, and are prepared to discourage British annexations in the rear of the German sphere of influence, on the understanding that the German Government will equally discourage German annexations in the rear of the British sphere.

I have further to request your Excellency to assure the Imperial Government that there is no cause to apprehend that Mr. Stanley's expedition will be used as a means of interference with the territory under German influence, or in the rear of it; and to explain that Mr. Mackinnon's negotiations are merely connected with the scheme of English capitalists for opening up the interior in what is now the British sphere, which was frequently referred to in the discussions between the two Governments respecting the Delimitation Commission.

I am, &c.,
SALISBURY.

Sir E. Malet.

(2.)—*Mr. Scott to the Marquis of Salisbury.*

Berlin, 8th July, 1887.

My Lord,

I have the honour to state that, in compliance with the instructions of your Lordship's despatch of the 2nd instant, I informed Count Bismarck to-day that, in reply to a verbal com-

[Annexations in rear of Spheres of Influence.]

munication made at the Foreign Office by Baron Plessen in regard to certain apprehensions of the German East African Company in connection with Mr. Stanley's expedition for the relief of Emin Pasha, I had been instructed by your Lordship to lose no time in stating to his Excellency that Her Majesty's Government took the same view as the German Government of the intention of the Agreement for delimiting the two spheres of influence in Eastern Africa, and that they were prepared to discourage British annexations in the rear of the German sphere, on the understanding that the German Government would equally discourage German annexations in the rear of the British sphere.

I said I had also been instructed to reassure him in regard to Mr. Stanley's expedition.

That there might be no misunderstanding on this point, I ventured to read the whole of your Lordship's despatch to his Excellency.

Count Bismarck replied that your Lordship's explanation was clear and most satisfactory, and he begged me to convey his sincere thanks for the communication.

Baron Plessen, his Excellency added, had been quite correct in stating that the German Government had not shared the apprehensions of the Company, but he had thought it more advisable and conformable with the good understanding between the two Governments to have no concealments on these questions, but to invite a frank exchange of views on this subject, in order to be able authoritatively to set all such apprehensions at rest.

At Count Bismarck's desire I have repeated my communication to him in writing, and for that purpose I have employed, *mutatis mutandis*, the exact text of your Lordship's despatch.

I have, &c.,

CHARLES S. SCOTT.

The Marquis of Salisbury.

No. 127.—*JOINT RECOMMENDATIONS of the British and German Commissioners, with regard to the future Limits of British and German Protectorates and Spheres of Influence in the Territories lying in the Interior of the Gold Coast Colony and the German Togo Protectorate. December,* 1887.

1. That the boundary line laid down in the Agreement signed by the German and British Commissioners on the 14th July, 1886, should be continued in such a manner as to include within the German Protectorate the territories of Towe, Kowe, and Agotime, and to leave within the British Protectorate the countries of Aquamoo and Crepee (or Peki).

The exact definition of this boundary to be hereafter determined, if necessary, by a joint commission on the spot.

2. That between the northern limit of the territory of Crepee and the mouth of the River Daka, the River Volta shall form the line of demarcation between the spheres of influence of the two countries, Great Britain undertaking not to acquire any protectorates to the east of that river, and Germany entering into a similar agreement with regard to the territories to the west.

3. That a conventional line be drawn on the latitude of the mouth of the River Daka, and that the two Governments shall mutually agree to regard the territories lying to the north of this line, within the limits marked on the accompanying map,* as neutral ground, and to abstain from seeking to acquire within them protectorates or exclusive influence.

4. If the second of these recommendations is adopted, the Commissioners are of opinion that an agreement might properly be concluded that, in the event of Germany extending her protectorate up to the River Volta within the limits mentioned, the Imperial Government will engage not to levy duties upon goods in transit, nor to place any other impediment in the way

* Not given.

of trade between the British Protectorate and the interior; the British Government undertaking on their part, *in the event of the extension of the German Protectorate above mentioned*, not to levy transit duties within their Protectorate east of the River Volta upon goods passing from the German Protectorate into other districts east of the Volta, not being British, or from the same into the German Protectorate.

[Approved by the British Government, 12th March, and by the German Government, 14th March, 1888.]

See also Boundary Agreements between Great Britain and Germany, 1st July, 1890, Art. 4, p. 646, and 15th November, 1893, p. 658.

[Belgian Award. Dispute. Witu. Farming of Customs. Administration of Island of Lamu.]

No. 128.—*BELGIAN AWARD on the Disputes between the British East Africa Company and the German Witu Company respecting the Farming of Customs and the Administration of the Island of Lamu.* 17*th August*, 1889.

AWARD given on the 17th August by Baron Lambermont, Minister of State of his Majesty the King of the Belgians, on the subject of the Island of Lamu:

WE, Baron Lambermont, Minister of State of His Majesty the King of the Belgians:

Having accepted the appointment of Arbitrator which has been conferred on us by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the Emperor of Germany, King of Prussia, with reference to a dispute which has arisen between the Imperial British East African Company and the German Witu Company:

Animated by the sincere desire to respond, by a scrupulous and impartial decision, to the confidence which the two Governments have shown in us:

Having for that purpose duly examined and maturely considered the documents which have been produced on either side:

And desiring to give a decision upon the subject of the dispute, which is the farming of the customs, and the administration of the Island of Lamu situate on the East Coast of Africa:

One of the parties claiming for the German Witu Company priority of right as to such farming:

The other contending that the late Sultan and the present Sultan of Zanzibar undertook to concede the said farming to the Imperial British East Africa Company, and that the objections raised on the part of Germany are not of a nature to place any obstacle in the way of the Sovereign of the Island of Lamu fulfilling the obligations contracted by his predecessor and himself toward that Company.

[Belgian Award. Dispute. Witu. Farming of Customs. Administration of Island of Lamu.]

I.

Considering that in the Memorandum presented by the Imperial German Government, the right of the Witu Company is, in the first place, stated to be derived from the Convention made on the 29th October and 1st November, 1886, between Germany and England (**No. 122**), and from the signification said to have been attached to that Agreement by the contracting Powers.

Whereas the said Convention circumscribed the area to which it is to apply within expressly determined limits, namely—starting from the sea—the Rovuma on the south and the Tana on the north.

Whereas it then divided this space into two zones, separated by a line of demarcation following the Wanga or Umbe.

Whereas of these two zones, one is allotted exclusively to German influence, which is to be exercised to the south of the line of demarcation, and the other exclusively to English influence, which is to be exercised to the north of the said line.

Whereas the respective limits of the two zones of influence are thus clearly fixed, and are formed by the line of demarcation and the perimeter, beyond which they cannot extend without going out of the territory subject to the arrangement.

Whereas, to draw from the spirt or sense of the Convention an inference which does not arise from its text, and which would attribute to Germany exclusive freedom of action in the territories situate to the north of the Tana, it would be necessary that a special and fresh agreement should be made to that effect between the Contracting Powers, and should be duly proved.

Whereas no document is produced proving the existence of such an agreement.

And whereas such proof does not arise from the Note of the British Government, dated 7th September, 1888, inasmuch as, in admitting that the sphere of English influence does not extend as far as the River Osi, that document is in perfect harmony with the terms of the 1886 arrangement, which limits its application to the territories comprised between the Rovuma and the Tana.

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For these reasons:

We are of opinion that—save the clause which acknowledges as belonging to the Witu territory the strip of coast between Kipini and the northern end of the Bay of Manda—the Anglo-German agreement of the 29th October and 1st November, 1886 (**No. 123**), does not extend its effects either beyond the Tana or beyond the Rovuma, and does not give either of the parties a preferential right as to the farming of the customs, and the administration of the Island of Lamu, which is situated beyond the limits within which the said arrangement is, according to its own terms, to have its application.

II.

Considering that, according to the German Memorandum, the Islands of the Bay of Manda, from a geographical point of view, belong to the Witu country, of which they are said to be the prolongation; that, looked upon from a commercial standpoint, the Island of Lamu is the place of deposit for the goods which come from the Witu country, or which are intended for that German possession; and lastly, that its connection with the continent still further appears in regard to judicial or political order, by reason of the manifold relations of the inhabitants of the island with the continent, and the questions of ownership, or of cultivation connected therewith; the whole of these facts demonstrating that the administration of the island must be intrusted to the same hands as have the administration of the continent;

Considering that, on the other hand, the English Memorandum represents the Island of Lamu as having for a long time past been a mart for British commerce, a place where the steamers of the British India Company trading to East Africa touch, and a centre of commerce which is almost exclusively in the hands of English merchants.

WHEREAS no argument drawn from the proximity of the continent could, so far as regards the Island of Lamu, prevail against the formal clause of the Anglo-German agreement of the 29th October and 1st November, 1886 (**No. 123**), which places that

island amongst the possessions, the sovereignty of which is acknowledged in the Sultan of Zanzibar.

And if considerations based upon financial and administrative interests or upon political convenience can show the advantages or the disadvantages offered by a solution in conformity with the views of one or the other of the parties, such reasons do not rank as a mode of acquisition recognised by international law.

For these reasons:

We are of opinion that neither the geographical connection, nor the commercial connection, nor the political interest, properly so called, place either of the parties in a position to claim, as a right, the cession of the customs and the administration of the Island of Lamu.

III.

The questions of a prejudicial character being thus decided and the discussion being reduced to the question of the engagements said to have been entered into by the Sultans of Zanzibar towards the two parties:

Considering that it is necessary to examine whether and to what extent the engagements invoked by the two parties combine the conditions necessary for the proof of their existence and validity:

As regards the German Witu Company:

Considering that, on the 10th December, 1887, the German Consul-General and Mr. Toeppen, the representative of the Witu Company, had an audience of the Sultan Seyyid Barghash, of which audience the Consul-General gave an account to his Government by a report, which is not produced, but the analysis of which in the German Memorandum ends with these words: "The result of this interview expanded may be summed up in this sense, that the Sultan declared himself to be at once ready ('sofort sich hereit erklärte') to grant the Concession for the Islands of Manda Bay to the Witu Company, as soon as the other arrangement with the German East Africa Company should be concluded, and that he only desired to retain his freedom of action for the fixing of one

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method or the other of indemnifying him in money"; and that in his letter of the 16th November, 1888, to the Sultan Seyyid Khalifa, the Consul-General expresses himself thus: "I take the liberty of recalling the fact that, under Seyyid Barghash, negotiations were already carried on for a concession of the islands of Manda Bay to the German Witu Company, of which Mr. Toeppen is the representative at Lamu. Seyyid Barghash received Mr. Toeppen in my presence, and showed himself ready to assume such an engagement ('Seyyid Barghash hat seine Bereitwilligkeit ein derartiges Abkommen zu treffen ausgesprochen') as soon as the Convention with the East African Company should have been concluded."

Whereas the expressions made use of by the Sultan, taken in their natural sense, would imply the intention of concluding a Convention.

Whereas in order to transform this intention into a unilateral promise, availing as a Convention, the harmony of wishes ought to have been manifested by the express promise of one of the parties, together with the acceptance of the other party, and this harmony of wishes should have applied to the essential elements which constitute the subject of the Convention.

Whereas in a case such as the one in question, the farming of the customs and administration of a territory or a port must be a mutual contract, comprising on the part of the lessor the cession of the exercise of sovereign rights, which may be formulated in very different manners as regards their subject and their duration, and consisting on the part of the lessee of a fixed or proportionate royalty.

Whereas in the words attributed to the Sultan, such as they are summed up by the German Memorandum and reproduced in the letter of the German Consul-General of the 16th November, 1888, the essential conditions of the contract to be entered into are not fixed.

Whereas, if no law prescribes any special form for Conventions between independent States, it is none the less contrary to international usages to contract verbally engagements of that nature and of that importance.

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Whereas the adoption of the written form is particularly necessary in dealings with the Governments of but little-civilized nations, which often only attach binding force to promises made in a solemn form or in writing.

Whereas, especially in this case, the existence of a verbal Convention should be shown by formal stipulations, and one could not, without grave detriment to the security and facility of international relations, infer it from the simple statement that one is ready to grant a concession;

Whereas no other documents written about the period in question are produced but the letter dated 21st November, 1887, in which the German Consul-General transmitted to Sultan Seyyid Barghash the proposal of Mr. Toeppen, and the acknowledgment of the receipt by the Sultan, dated the same day, and which said nothing about the actual issue.

Whereas between the 10th December, 1887, the date of the promise alleged to have been made by the Sultan, and the 28th March, 1888, the date of his death, there is not produced any document, or any written or verbal indication emanating from His Highness, showing or implying his consent to the proposal of the representative of the Witu Company.

Whereas, according to the reiterated assurances of the present Sultan, given both to the German Consul-General and to the English Consul-General, no trace of such acquiescence has been discovered either in the archives of the Sultanate or in the recollection of the employees, and though the written documents just above mentioned have been found, Sultan Seyyid Barghash's acknowledgment of receipt showed that at that date His Highness had decided nothing.

Whereas, therefore, whatever sense one may attach to the words of Sultan Seyyid Barghash, proof of the opening of the negotiations only has been furnished; and as regards the engagement itself, although it is mentioned in the letter which the German Consul-General wrote to the Sultan on the 16th November, 1888, and though it is referred to in the despatch addressed by that official to his own Government after the audience of the 10th December, 1887, it must be a principle, in

international as in all other affairs, and irrespective of any question of good faith, that one cannot create a title for one's self.

Whereas, lastly, however worthy of confidence of the Consular Agent may be, and putting his good faith absolutely out of the question, the words of Sultan Seyyid Barghash were spoken in Arabic and gathered and translated by a dragoman, without it being possible to check the accuracy of such translation, and their interpretation was neither confirmed by the Sultan nor acknowledged by his successor;

For these reasons:

We are of opinion that proof of the engagement said to have been contracted by Sultan Seyyid Barghash on the 10th December, 1887, to lease the customs and the administration of the Island of Lamu to the German Witu Company, is not furnished with the proper sufficiency.

That consequently the said Company cannot found any preferential or prior right upon the declarations of the Sultan in the course of the interview which took place at that date.

Considering that it is necessary to examine whether the facts which have occurred since the accession of the present Sultan have not modified the soundness of these conclusions;

Whereas, according to the German Memorandum, Sultan Seyyid Khalifa is said to have declared to the German Consul-General, in June, 1888, that he would not grant any further Concession without having come to an understanding with the representatives of Germany and of England, and according to the letter of the German Consul-General to the Sultan dated the following 16th November, the latter had assured him that there was as yet no English proposal, and that if any should be put forward, he would ask the opinion of the German Consul-General in advance.

Whereas, in his letter of the 12th January, 1889, to the said Consul-General, Seyyid Khalifa denies that he made or could have made such declarations, saying that the mistake might in his opinion have arisen from a misunderstanding attributable to the dragoman; and in his letter of the 16th of the same

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month to the English Consul-General, which letter is inserted in the English Memorandum, His Highness repeated his denials.

Whereas, without putting in question the good faith of the parties, one can and must acknowledge that the declarations in question could not in themselves have conferred any right on the Witu Company to the Island of Lamu.

And moreover, as regards their bearing in other respects, they would come, by reason of their form, within the application of the principles above enunciated.

For these reasons:

We are of opinion that the facts subsequent to the interview of the 10th December, 1887, have not altered the bearing of that interview as defined in the foregoing conclusions.

As regards the Imperial British East Africa Company:

Considering that, according to the English Memorandum, the Sultans of Zanzibar have, since 1887, constantly held at the disposal of Mr. William Mackinnon, his partners, and the future British Company, a concession of territories, including the Island of Lamu; that the said concession, far from being ever rejected or withdrawn, is said to have been accepted from time to time with regard to certain parts of these territories, the remainder, and particularly Lamu, having been reserved for the subsequent disposal of the said persons and Company.

Whereas the Contract of cession which should form the basis of these promises is represented only by a draft, which bears neither date nor signature;

Whereas, in that form, it can only be looked upon as a proposal made to Sultan Seyyid Barghash, without it being proved that such proposal was transformed into a Concession from his Highness to Mr. Mackinnon or into a general promise to cede the administration from the Sultanate to the English Company, which promise the said Company had successively accepted for the various parts of the territories belonging to the Sultan.

Whereas none of the subsequent documents alleged by the English Company directly and clearly mentions this project, which was never commenced to be carried out.

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Whereas the evidence of General Mathews, commander of the Sultan's troops, which is recited in the English Memorandum and was taken on oath on the 23rd January, 1889, mentions *negotiations* entered into about nine years previously and carried on up to the beginning of 1887, but does not cite any Convention concluded during that period.

Whereas the document in solemn form delivered by Sultan Seyyid Barghash to the English Consul-General under date of the 6th December, 1884, would have been useless if the Draft of 1877 had had the force of a contractual promise absolutely binding the Sultan towards the Imperial British Company.

Whereas it is not possible, with the aid of the documents produced, to connect with that draft, by a direct link showing the execution of a previous perfect and valid Convention, the negotiations which were resumed by Mr. Mackinnon in the spring of 1887.

Whereas under date of the 22nd February, 1887, Sultan Seyyid Barghash sent Mr. Mackinnon a telegram, in which his Highness declared himself ready to grant him the Concession which he (Mr. Mackinnon) had previously proposed, and this offer was followed, on the 24th May, by the conclusion of an agreement conceding to the Imperial British Company the strip of coast from the Wanga to Kipini.

Whereas in that agreement no mention is made of the territories situate to the north of Kipini and comprising the Island of Lamu.

Whereas with regard to these latter, the Imperial British Company limits itself to invoking the evidence of General Mathews to the effect that, to his knowledge, these territories were offered by the Sultan to Mr. Mackinnon in 1887; that he always understood that they were reserved, in accordance with Mr. Mackinnon's wish, for a subsequent Concession; and that he was sent, as representative of the Sultan, to make a verbal communication to Mr. E. N. Mackenzie, the agent of the Imperial British Company, authorising him to inform Mr. Mackinnon that all the territories to the north of the Kipini

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would be offered to him in preference, when they came to be leased or ceded.

Whereas, in the verbal message with which General Mathews was intrusted, whatever consideration his evidence may merit, one cannot find the elements of an actual and positive promise to grant a concession, whereof the essential conditions were sufficiently determined.

And, as regards the reserved or anticipated acceptance of Mr. Mackinnon, it only forms the subject of a purely personal opinion on the part of the General.

Whereas the evidence of General Mathews is in harmony with the above quoted telegram of Sultan Seyyid Barghash with reference to the intention of treating with the English, and this intention is found again and takes shape in the letter addressed by his successor on the 26th August, 1888, to the English Consul-General.

Whereas, however, if this latter letter constitutes a political engagement between Government and Government not to cede the administration of the Sultanate to any others than to subjects of the Sultan, or to Englishmen, or to Mr. Mackinnon so far as regards Zanzibar and Pemba, one does not yet find in it the direct and actual promise to cede to the Imperial British Company itself all the ports of the north.

Whereas the intention of treating with the English is, moreover, expressed in an evident manner in the letter of Seyyid Khalifa to the German Consul-General, dated 12th January, 1889.

And there is no occasion to pay any regard to the objection that this determination was vitiated through having had a false cause, viz., that the Sultan Seyyid Khalifa only adopted it on account of a promise which he believed to have been made by his predecessor to the English Company, as the knowledge of the communication made on the 22nd February, 1887, by his predecessor, and the steps taken in the name of the latter by General Mathews may legitimately have influenced his decision, and the Sultan may, moreover, have decided not from one sole motive, as appears from his said letter to the German Consul-

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General and from those which he sent in the course of the same month to the English Consul-General, and which are reproduced in the English Memorandum.

Whereas the intention repeatedly manifested by Sultan Seyyid Khalifa was transformed into a fact by the negotiations which were opened in the month of January, 1889, between his Highness and Mr. Mackenzie, the attorney of Mr. Mackinnon.

Whereas in these negotiations the essential conditions of the resumption of the administration and customs of the Island of Lamu were put forward and discussed for the first time between the parties.

Whereas harmony of wishes was established upon all points, as is shown by the exchange of the letters of the 19th and 20th January, 1889, between the Sultan and Mr. Mackenzie, combined with the telegram from the Sultan to Mr. Mackinnon, the 30th of the same month.

But whereas the document so prepared has not received the signature of the Sultan, and the latter has subordinated it to the removal of an obstacle which stopped his final determination.

For these reasons:

We are of opinion that the Sultan has remained free to dispose of the exercise of his sovereign rights, within the limits traced out by the letter of his predecessor to Sir John Kirk of the 6th December, 1884, and by the one which he himself addressed to the English Consul-General on the 26th August, 1888.

And that the Imperial British East Africa Company does not produce any engagement validly assumed towards it by any of the Sultans of Zanzibar, and creating in its favour an exclusive right to the resumption of the customs and the administration of the Island of Lamu.

Considering, lastly, that the signing of the Convention formulated between the Sultan Seyyid Khalifa and the representative of the Imperial British East Africa Company has only been deferred in consequence of the opposition of the German Consul-General.

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And whereas this opposition is founded upon the right of priority claimed by the German Witu Company, the reality of which right has formed the subject of the foregoing conclusions:

For these reasons:

We are of opinion that the proposed agreement between the Sultan Seyyid Khalifa and the representative of the Imperial British East Africa Company on the subject of the Island of Lamu can be signed without giving rise to any rightfully founded opposition.

Done at Brussels in duplicate.

BARON LAMBERMONT.

17*th August*, 1889.

[East Africa.]

No. 129.—*AGREEMENT between the British and German Governments, respecting Africa and Heligoland. Berlin, 1st July, 1890.**

THE Undersigned,—

Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary;

Sir Henry Percy Anderson, Chief of the African Department of Her Majesty's Foreign Office;

The Chancellor of the German Empire, General von Caprivi;

The Privy Councillor in the Foreign Office, Dr. Krauel,—

Have, after discussion of various questions affecting the Colonial interests of Germany and Great Britain, come to the following Agreement on behalf of their respective Governments:—

East Africa. German Sphere of Influence.

ART. I.† In East Africa the sphere in which the exercise of influence is reserved to Germany is bounded—

German Sphere. To the North. River Umba to Victoria Nyanza.‡

1. To the north by a line which, commencing on the coast at the north bank of the mouth of the River Umba [or Wanga], runs direct to Lake Jipé; passes thence along the eastern side and round the northern side of the lake, and crosses the River Lumé; after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn direct to the point on the eastern side of Lake Victoria Nyanza which is intersected by the 1st parallel of south latitude; thence, crossing the lake on that parallel, it follows the parallel to the frontier of the Congo Free State, where it terminates.

Mount Mfumbiro.

It is, however, understood that, on the west side of the lake, the sphere does not comprise Mount Mfumbiro; if that moun-

* See also Agreements, 14th April, 1893, p. 654, and 15th November, 1893, p. 658.

† See also Article VI, p. 648.

‡ See Protocol, $\frac{27\text{th October,}}{24\text{th December,}}$ 1892, p. 652, Agreement, 25th July, 1893, p. 656, and Agreement between Great Britain and Belgium of 12th May, 1894, Appendix.



Map of the
NYASA-TANGANYIKA PLATEAU
Art. 1, § 2 of Anglo-German Agreement
of 1st July, 1890

MAP
REFERRED TO IN ART. I. § 2.
OF THE
ANGLO-GERMAN AGREEMENT
OF 1ST JULY 1890

(Reduced from the Original)


LAKE TANGANYIKA
Cameron Bay
Hore Bay
Kawende
Mtowa
Kirando
Mtowa
Kavalli
Kavalli
Kavalli

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Issued at the Intelligence Division War Office April 1893.



Map of the

NYASA-TANGANYIKA PLATEAU

Art. 1, § 2 of Anglo-German Agreement
of 1st July, 1890

tain shall prove to lie to the south of the selected parallel, the line shall be deflected so as to exclude it, but shall, nevertheless, return so as to terminate at the above-named point.

German Sphere. To the South. Rovuma River to Lakes Nyassa and Tanganyika (Stevenson's Road).

2. To the south by a line which, starting on the coast at the northern limit of the Province of Mozambique, follows the course of the River Rovuma to the point of confluence of the Msinje; thence it runs westward along the parallel of that point till it reaches Lake Nyassa; thence striking northward, it follows the eastern, northern, and western shores of the lake to the northern bank of the mouth of the River Songwe; it ascends that river to the point of its intersection by the 33rd degree of east longitude; thence it follows the river to the point where it approaches most nearly the boundary of the geographical Congo Basin defined in the 1st Article of the Act of Berlin (**No. 17**), as marked in the map attached to the 9th Protocol of the Conference.*

From that point it strikes direct to the above-named boundary; and follows it to the point of its intersection by the 32nd degree of east longitude; from which point it strikes direct to the point of confluence of the northern and southern branches of the River Kilambo, and thence follows that river till it enters Lake Tanganyika.

Map. Nyassa-Tanganyika Plateau.

The course of the above boundary is traced in general accordance with a map of the Nyassa-Tanganyika Plateau, officially prepared for the British Government in 1889.†

German Sphere. To the West. River Kilambo to Congo Free State.

3. To the west by a line which, from the mouth of the River Kilambo to the 1st parallel of south latitude, is conterminous with the Congo Free State.

* See map facing this page.
† See map facing this page.

East Africa. British Sphere of Influence.

The sphere in which the exercise of influence is reserved to Great Britain is bounded—

British Sphere. To the South. River Umba to Congo Free State.

1. To the south by the above-mentioned line running from the mouth of the River Umba (or Wanga) to the point where the 1st parallel of south latitude reaches the Congo Free State.

Mount Mfumbiro.

Mount Mfumbiro is included in the sphere.

British Sphere. To the North. River Juba to confines of Egypt (Uganda, &c.).

2. To the north by a line commencing on the coast at the north bank of the mouth of the River Juba; thence it ascends that bank of the river and is conterminous with the territory reserved to the influence of Italy in Gallaland and Abyssinia, as far as the confines of Egypt.*

British Sphere. To the West. Basin of Upper Nile to Congo Free State (Uganda, &c.).

3. To the west by the Congo Free State, and by the western watershed of the basin of the Upper Nile.

Withdrawal by Germany in favour of Great Britain of Protectorate over Witu.

ART. II.† In order to render effective the delimitation recorded in the preceding Article, Germany withdraws in favour of Great Britain her Protectorate over Witu.

* See Great Britain and Italy, pp. 665, 667.

† See also Article XI, p. 650. On the 22nd October, 1889, the establishment of a German Protectorate over the District lying between Witu and Kismayu was announced in the German Official Gazette, and on the 20th December following the British Government were informed that the German Government maintained the claim of the Sultan of Witu to the Islands of Manda and Patta, and did not recognize the right of the British East Africa Company to take over the administration of these Islands in consequence of the concession granted to the Company by the Sultan of Zanzibar (see GERMANY AND AFRICA (EAST COAST), p. 315).

Map showing boundary between the

BRITISH & GERMAN PROTECTORATES ON THE S.W. COAST OF AFRICA

(Damaraland, Namaqualand, Bechuanaland)
in accordance with Agreement
of 1st July, 1890.

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ION OF THE WAR OFFICE MAP, Nº 846 ½)

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Map showing boundary between the

BRITISH & GERMAN PROTECTORATES ON THE S.W. COAST OF AFRICA

(Damaraland, Namaqualand, Bechuanaland)
in accordance with Agreement
of 1st July, 1890.

Recognition by Great Britain of Sultan of Witu's Sovereignty.

Great Britain engages to recognize the sovereignty of the Sultan of Witu* over the territory extending from Kipini to the point opposite the Island of Kwyhoo, fixed as the boundary in 1887.

Withdrawal of German Protectorate over adjoining Coast up to Kismayu,† to all other Territories North of Tana, and to Islands of Patta and Manda.

Germany also withdraws her Protectorate over the adjoining coast up to Kismayu, as well as her claims to all other territories on the mainland, to the north of the River Tana, and to the Islands of Patta and Manda.

South West Africa. German Sphere of Influence.

ART. III.‡ In South-West Africa the sphere in which the exercise of influence is reserved to Germany is bounded.

Namaqualand. Damaraland, &c.

1. To the south by a line commencing at the mouth of the Orange River, and ascending the north bank of that river to the point of its intersection by the 20th degree of east longitude.

2. To the east by a line commencing at the above-named point, and following the 20th degree of east longitude to the point of its intersection by the 22nd parallel of south latitude, it runs eastward along that parallel to the point of its intersection by the 21st degree of east longitude; thence it follows that degree northward to the point of its intersection by the 18th parallel of south latitude; it runs eastward along that parallel till it reaches the River Chobe; and descends the centre of the main channel of that river to its junction with the Zambesi, where it terminates.

* The flag of the British East Africa Company was hoisted in all the towns of Wituland at the end of April or beginning of May, 1892.

† See also Article XI, p. 650.

‡ See also Article VI, p. 648.

German Access to the Zambesi.

It is understood that under this arrangement Germany shall have free access from her Protectorate to the Zambesi by a strip of territory which shall at no point be less than 20 English miles in width.

South-West Africa. British Sphere of Influence. Bechuanaland, Kalahari, &c.

The sphere in which the exercise of influence is reserved to Great Britain is bounded to the west and north-west by the above-mentioned line.

Lake Ngami.

It includes Lake Ngami.

Map.

The course of the above boundary is traced in general accordance with a map officially prepared for the British Government in 1889.*

Walfisch Bay.

The delimitation of the southern boundary of the British territory of Walfisch Bay is reserved for arbitration, unless it shall be settled by the consent of the two Powers within two years from the date of the conclusion of this Agreement.† The two Powers agree that, pending such settlement, the passage of the subjects and transit of goods of both Powers through the territory now in dispute shall be free; and the treatment of their subjects in that territory shall be in all respects equal. No dues shall be levied on goods in transit. Until a settlement shall be effected the territory shall be considered neutral.

Line of Boundary between the British Gold Coast Colony and the German Protectorate of Togo.‡ Volta Districts.

ART. IV. In West Africa—

* See also Article VI, p. 648.

† Not yet settled (July, 1894).

‡ On the 5th July, 1884, an Agreement was signed between Germany and Togo, by which the territory of the King of Togo, situated on the West Coast of Africa from the eastern frontier of Porto Seguro to the western frontier of Lome or Bay Beach, was placed under the Protectorate of Germany.

MAP REFERRED TO IN ART. IV, OF THE ANGLO-GERMAN AGREEMENT OF 1 JULY 1890 (TOGOLAND).

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Reduced from Intell. Div. W.O. No 970 April 1893



Map showing boundary between the

BRITISH & GERMAN PROTECTORATES ON THE WEST COAST OF AFRICA

(Togoland)

in accordance with Art. 4 of the Agreement

of 1st July, 1890.

1. The boundary between the German Protectorate of Togo and the British Gold Coast Colony commences on the coast at the marks set up after the negociations between the Commissioners of the two countries of the 14th and 28th of July, 1866; and proceeds direct northwards to the 6° 10′ parallel of north latitude; thence it runs along that parallel westward till it reaches the left bank of the River Aka; ascends the mid-channel of that river to the 6° 20′ parallel of north latitude; runs along that parallel westwards to the right bank of the River Dehawe or Shavoe; follows that bank of the river till it reaches the parallel corresponding with the point of confluence of the River Deine with the Volta; it runs along that parallel westward till it reaches the Volta; from that point it ascends the left bank of the Volta till it arrives at the neutral zone established by the Agreement of 1888, which commences at the confluence of the River Dakka with the Volta.

Each Power engages to withdraw immediately after the conclusion of this Agreement all its officials and employés from territory which is assigned to the other Power by the above delimitation.

Gulf of Guinea. Rio del Rey Creek.

2. It having been proved to the satisfaction of the two Powers that no river exists on the Gulf of Guinea corresponding with that marked on maps as the Rio del Rey, to which reference was made in the Agreement of 1885* (**No. 119**), a provisional line of demarcation is adopted between the German sphere in the Cameroons and the adjoining British sphere, which, starting from the head of the Rio del Rey Creek, goes direct to the point, about 9° 8′ of east longitude, marked "Rapids" in the British Admiralty chart.†

Freedom of Goods from Transit Dues between River Benué and Lake Chad.

ART. V. It is agreed that no Treaty or Agreement, made

* See Agreement, $\frac{29\text{th April,}}{16\text{th June,}}$ 1885, p. 596.

† See also Agreements, 14th April, 1893, p. 654, and 15th November, 1893, p. 658.

by or on behalf of either Power to the north of the River Benué, shall interfere with the free passage of goods of the other Power, without payment of transit dues, to and from the shores of Lake Chad.

Treaties in Territories between the Benué and Lake Chad.

All Treaties made in territories intervening between the Benué and Lake Chad shall be notified by one Power to the other.

Lines of Demarcation subject to Modification.

ART. VI. All the lines of demarcation traced in Articles I to IV shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

*Boundary Commissioners to be Appointed.**

It is specially understood that, as regards the boundaries traced in Article IV, Commissioners shall meet with the least possible delay for the object of such rectification.

Non-interference of either Power in Sphere of Influence of the other.

ART. VII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to IV. One Power will not in the sphere of the other make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, nor hinder the extension of influence of the other.

No Companies or Individuals of either Power to exercise Sovereign Rights in Sphere of Influence of the other.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Application of Berlin Act in Spheres of Influence within Limits of Free Trade Zone.

ART. VIII. The two Powers engage to apply in all the

* See Agreements, 14th April, 1893, p. 654, and 15th November, 1893, p. 658.

portions of their respective spheres, within the limits of the free zone defined by the Act of Berlin of 1885 (**No. 17**), to which the first five articles of that Act are applicable at the date of the present Agreement.

Freedom of Trade.

The provisions of those articles according to which trade enjoys complete freedom;

Navigation of Lakes, Rivers, &c.

The navigation of the lakes, rivers, and canals, and of the ports on those waters is free to both flags;

Differential Duties. Transport or Coasting Trade.

And no differential treatment is permitted as regards transport or coasting trade;

Duties on Goods.

Goods, of whatever origin, are subject to no dues except those, not differential in their incidence, which may be levied to meet expenditure in the interest of trade;

Transit Dues.

No transit dues are permitted;

Trade Monopolies.

And no monopoly or favour in matters of trade can be granted.

Settlements in Free Trade Zone.

The subjects of either Power will be at liberty to settle freely in their respective territories situated within the free trade zone.*

Freedom of Goods from Transit Dues, &c.

It is specially understood that, in accordance with these provisions, the passage of goods of both Powers will be free from all hindrances and from all transit dues between Lake Nyassa and the Congo State, between Lakes Nyassa and Tan-

* See line coloured red on map facing page 246.

ganyika, on Lake Tanganyika, and between that lake and the northern boundary of the two spheres.

Trading and Mineral Concessions. Real Property Rights.

ART. IX. Trading and mineral concessions, and rights to real property, held by Companies or individuals, subjects of one Power, shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that concessions must be worked in accordance with local laws and regulations.

Protection of Missionaries.

ART. X. In all territories in Africa belonging to, or under the influence of either Power, missionaries of both countries shall have full protection.

Religious Toleration and Freedom.

Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

Cession to be made by Sultan of Zanzibar to Germany of Possessions on the Mainland and of Island of Mafia.

ART. XI. Great Britain engages to use all her influence to facilitate a friendly arrangement, by which the Sultan of Zanzibar shall cede absolutely to Germany his Possessions on the mainland comprised in existing Concessions to the German East African Company, and their Dependencies, as well as the Island of Mafia.*

It is understood that His Highness will, at the same time, receive an equitable indemnity for the loss of revenue resulting from such cession.

* On the 27th–28th October, 1890, an exchange of Notes took place between the Representatives of Great Britain and Germany, at Berlin (with the consent of the Sultan of Zanzibar), for the permanent cession to Germany of the coast line between the Rivers Umba and Rovuma, and of the Island of Mafia.

A MAP SHEWING COAST LINE OF GERMAN POSSESSIONS BETWEEN THE VANGA & ROVUMA RIVERS, 1890.

To face page 650





Map showing coast Line of the

GERMAN POSSESSIONS BETWEEN THE VANGA & ROVUMA RIVERS

1890.

[East Africa. Zanzibar.]

German Recognition of British Protectorate over remaining Dominions of Sultan of Zanzibar, including Islands of Zanzibar and Pemba, and Witu.

Germany engages to recognize a Protectorate of Great Britain over the remaining dominions of the Sultan of Zanzibar, including the Islands of Zanzibar * and Pemba, as well as over the dominions of the Sultan of Witu,†

Withdrawal of German Protectorate up to Kismayu.

And the adjacent territory up to Kismayu,‡ from which her Protectorate is withdrawn. It is understood that if the cession of the German Coast has not taken place before the assumption by Great Britain of the Protectorate of Zanzibar,§ Her Majesty's Government will, in assuming the Protectorate, accept the obligation to use all their influence with the Sultan to induce him to make that cession at the earliest possible period in consideration of an equitable indemnity.

ART. XII. *Cession of Heligoland by Great Britain to Germany.*||

EDWARD B. MALET.
H. PERCY ANDERSON.
v. CAPRIVI.
K. KRAUEL.

Berlin, 1st July, 1890.

* See Notification of British Protectorate over Sultan of Zanzibar's Dominions, 4th November, 1890. Great Britain and Zanzibar, p. 766.

† See also Art. 2, p. 644. See Notification of British Protectorate over Witu, &c., 19th November, 1890. Great Britain, Africa (East Coast), p. 327.

‡ See also Art. 2, p. 645. The Harbour and District of Kismayu were assigned to the British sphere of influence by § 1 of the Anglo-Italian Agreement of 24th March, 1891, see p. 665.

§ Provisional Agreement signed 14th June, 1890. Notification of British Protectorate, 4th November, 1890. (See Great Britain and Zanzibar, p. 766.)

|| See Hertslet's "Map of Europe by Treaty," vol. iv, p. 3286.

No. 130.—*PROTOCOLS between the British and German Commissioners for the Delimitation of the Anglo-German Boundary in East Equatorial Africa. Signed at Taveta, on the 27th October, and at Zanzibar, on the 24th December*, 1892.*

(1.)—*Protocol. Taveta, 27th October*, 1892.

Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar, the British Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa; and

Dr. Carl Peters, the Imperial German Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa;

Having visited the south end of Lake Jipe, and having marked a spot on the water's edge with a pile of stones, agree to recommend to their respective Governments that this spot should be considered the point to which the boundary runs from the coast.

The pile of stones is situate at the point where the parallel of latitude 3° 40′ 40·3″ south, according to the British observations, 56 in number, or 3° 40′ 35·6″ according to the German observations, 17 in number, cuts the eastern border of the Lake Jipe.

CHARLES STEWART SMITH.
CARL PETERS.

Taveta, 27th October, 1892.

(2.)—*Protocol. Zanzibar, 24th December*, 1892.

The Undersigned, Mr. C. S. Smith, British Consul at Zanzibar, British Commissioner for the delimitation of the Anglo-German boundary in East Equatorial Africa, and

* See also Agreement, 25th July, 1893, p. 656.

Dr. Carl Peters, Imperial German Commissioner, agree to the following:—

Having carefully examined the Anglo-German boundary in East Africa from the coast to the northern side of the Kilimanjaro, the above-named Representatives of the two Governments agree to recommend to their respective Governments to negotiate directly concerning the exact position of the boundary-line.

For the British Commissioner, differing from the German Commissioner, considers that certain parts near to and on the Kilimanjaro have not yet been disposed of by Treaty, and, therefore, cannot be considered as belonging to Germany; and

The German Commissioner, differing from the British Commissioner, is of opinion that the wording of the Treaty does not clearly show whether Wanga belongs to the British or German spheres of interest.

The above-named Commissioners agree, however, to recommend to their respective Governments to consent that the boundary-line should meet Lake Jipe at the point where the parallel of 3° 40′ 40·3 south, or 3° 40′ 35·6″ south, cuts its east bank, according to the terms of the Protocol signed by them on the 27th October, 1892 (p. 652).

Since the two Boundary Commissioners are not agreed with regard to the terminal point of the boundary-line on the coast, and its course around the Kilimanjaro, they are unable to submit further proposals for the position of the boundary until the two High Governments have decided concerning the districts which are in question.*

C. S. SMITH, *British Commissioner.*

DR. CARL PETERS, *Kaiserlich Deutscher Kommissar.*

Zanzibar, 24th December, 1892.

* See Agreement, 25th July, 1893, p. 656.

No. 131.—*AGREEMENT between Great Britain and Germany respecting the Rio del Rey, on the West Coast of Africa. Signed at Berlin, 14th April, 1893.**

The Undersigned:

1. The Honourable P. Le Poer Trench, Her Britannic Majesty's Chargé d'Affaires and First Secretary of Embassy;

2. Sir Claude Macdonald, Her Britannic Majesty's Commissioner and Consul-General of the Oil Rivers Protectorate;

3. Dr. Kayser, Privy Councillor, Chief of the Colonial Department of the Imperial German Foreign Office;

4. B. von Schuckmann, Imperial Councillor in the Foreign Office;

After discussion of various questions affecting he fiscal interests of Germany and Great Britain in their respective territories in the Gulf of Guinea and without prejudice to the conditions laid down in Section 2, Article IV, of the Anglo-German Agreement of the 1st July, 1890 (**No. 129**), as also the conditions laid down in the Anglo-German Agreements of the $\frac{\text{20th April,}}{\text{7th May,}}$ 1885 (**No. 119**), and the $\frac{\text{27th July,}}{\text{2nd August,}}$ 1886 (**No. 122**), have come to the following Agreement on behalf of their respective Governments:

ART. I. That the point named in Section 2, Article IV, of the Anglo-German Agreement of 1st July, 1890 (**No. 129**), as the head or upper end of the Rio del Rey Creek shall be the point at the north-west end of the Island lying to the west of Oron, where the two waterways, named Urüfian and Ikankan, on the German Admiralty Chart of 1889–90,† meet.

ART. II. From this upper end of the Rio del Rey to the sea, that is to say, to the promontory marked West Huk on the above mentioned chart, the right bank of the Rio del Rey waterway shall be the boundary between the Oil Rivers Protectorate and the Colony of the Cameroons.

* Signed in the English and German languages. See also Agreement, 15th November, 1893. p. 658.

† "Mündungsgebiet der Flüsse Aqua Jafe, Rio del Rey, Meta, Andonkat, and Meme. Aufgenommen vom Kommando S.M. Kr. 'Habicht.' 1889-90."

Map to Illustrate

THE BOUNDARY AGREEMENT BETWEEN GREAT BRITAIN & GERMANY (RIO-DEL-REY.) of 14th April 1893

R

To face page 654.



Note: The red line represents the boundary between the British Niger Protectorate on the W. & German Kamerun territory.

STANFORD'S GEOG. ESTAB'T. LONDON.



Map to illustrate the boundary Agreement between
GREAT BRITAIN & GERMANY (RIO DEL REY)
of 14th April, 1893.

ART. III. The German Colonial Administration engages not to allow any trade-settlements to exist or be erected on the right bank of the Rio del Rey Creek or waterway. In like manner the Administration of the Oil Rivers Protectorate engages not to allow any trade-settlements to exist or be erected on the western bank of the Backasay (Bakassey) Peninsula from the first creek below Archibong's (Arsibon's) village to the sea, and eastwards from this bank to the Rio del Rey waterway.

(L.S.) P. LE POER TRENCH.
(L.S.) CLAUDE M. MACDONALD.
(L.S.) DR. KAYSER.
(L.S.) B. v. SCHUCKMANN.

Berlin, April 14th, 1893.

No. 132.—*AGREEMENT between Great Britain and Germany respecting Boundaries in East Africa from the Mouth of the Umba River to Lake Jipé and Kilimanjaro. Signed at Berlin, 25th July,* 1893.

The Undersigned, Sir Edward Baldwin Malet, Her Britannic Majesty's Ambassador Extrordinary and Plenipotentiary; Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar; Baron Marschall von Bieberstein, Privy Councillor, Imperial German Secretary of State for Foreign Affairs; and Dr. Carl Peters, Imperial Commissioner, have agreed, on behalf of their respective Governments, in partial execution of the provisions of Article I of the Anglo-German Agreement of the 1st July, 1890 (**No. 129**), that the boundary between the British and German spheres of interest in East Africa from the Indian Ocean to the northern side of the Kilimandsharo shall run as follows:—

Section 1. On the coast the line shall start from the high-water mark on Ras Jimbo, and shall run from thence in a straight line to the point where the parallel of 3° 40′ 40·3″ S. (astronomically determined) cuts the eastern bank of Lake Jipe. But on the coast the boundary shall be deflected as follows: It shall run from the Indian Ocean along the northern bank of the Jimbo Creek, making the foreshore in the British sphere, as far as the eastern mouth of the Ngobwe Ndogo. It shall then follow the eastern bank of the Ngobwe Creek to its end, and then run to the point where the above described straight line from Ras Jimbo to Lake Jipe meets the rising ground on which the village of Jasini stands.

Section 2. From the point on Lake Jipe, described in Section 1, the boundary line shall follow the eastern side of Lake Jipe, and round the northern side of the lake crossing the River Lumi, and following the northern bank of the Rufu River (by which is also understood its swamp), as far as the point which is distant 1 English mile east of the German road going from the Marangu station to the coast. From thence it shall run to the summit of Chala Hill in the manner shown in

Map to illustrate

ANGLO-GERMAN BOUNDARY AGREEMENT

of 25th July, 1893.

To face page 656.



MAP TO ILLUSTRATE ANGLO-GE
UMBA RIVER TO L



Redrawn by Lieut. G.E.Smith, R.E.

STANFORD'S GEOG^L ESTAB^T, LONDON.

AGREEMENT OF 25TH JULY 1893.

IPE & KILIMANJARO.

S

Map to illustrate

ANGLO-GERMAN BOUNDARY AGREEMENT

of 25th July, 1893.

the annexed map. The boundary line shall bisect the Chala Lake. From the north side of the Chala Lake onwards the boundary line shall run parallel to the track, as shown in the annexed map, and 1 English mile west of it as far as the latitude of the so-called Useri Camp. It shall then run at a distance of 1 kilom. south-west of the track shown in the annexed map as going to Laitokitok, as far as the point where it crosses the Ngare Longei (Rongei).

Section 3. With reference to the annexed maps the provisions of the attached Protocol of the 8th instant shall hold good. (See below.)

Berlin, 25th July, 1893.

EDWARD B. MALET.
CHARLES STEWART SMITH.

PROTOCOL *respecting Maps and Surveys.* *8th July*, 1893.

THE Undersigned, Mr. Charles Stewart Smith, Her Britannic Majesty's Consul at Zanzibar, the British Commissioner, and Dr. Carl Peters, the Imperial German Commissioner for the Delimitation of the Anglo-German Boundary in East Equatorial Africa, agree to adopt as the basis for the negotiations respecting the Anglo-German Boundary in East Equatorial Africa the maps constructed on the triangulation of Commissioner Smith, together with the survey of the neighbourhood of Vanga conducted by Lieutenant Fromm of the Imperial German Navy.*

The future correction of mistakes, if such should be proved to exist by further examination, is mutually reserved.

Berlin, 8th July, 1893.

C. S. SMITH,
British Commissioner.

* Sheet 1. From the mouth of the Umba River to Lake Jipé.
„ 2. Kilimanjaro and the neighbourhood.
„ 3. Mouth of the Umba and Wanga.
„ 4. Triangulation chart.
„ 5. Position of Ras Jimbo.

See reduced map facing this page. The 5 sheets above mentioned were laid before Parliament with the Agreement.

No. 133.—*AGREEMENT between Great Britain and Germany respecting Boundaries in Africa. Signed in the English and German Languages at Berlin, 15th November,* 1893.

The Undersigned,

1. Mr. Martin Gosselin, Her Britannic Majesty's Chargé d'Affaires;

2. Baron von Marschall, Actual Privy Councillor, Imperial German Secretary of State for Foreign Affairs.

Boundaries. Gulf of Guinea into the Interior.

After discussion of points connected with the question of the delimitation of the boundary between the territories under the influence of their respective Governments in the region extending into the interior from the Gulf of Guinea, which question has already been partially determined by the Anglo-German Agreements of the $\frac{\text{29th April}}{\text{7th May}}$, 1885 (**No. 119**) $\frac{\text{27th July}}{\text{2nd August}}$, 1886 (**No. 122**), 1st July, 1890 (**No. 129**), and April 14th, 1893 (**No. 131**), have come to the following Agreement on behalf of their respective Governments:—

Point to East of and close to Yola.

Art. I. The above-quoted Agreement of 1886 (**No. 122**) having stipulated that the point where the boundary shall reach the River Benue shall be fixed to such a point to the east of and close to Yola as may be found on examination to be practically suited for the demarcation of a boundary, that point shall be fixed as follows:—

The boundary, drawn from the point on the right bank of the Old Calabar or Cross River, about 9° 8′ of longitude east of Greenwich, marked "Rapids" in the English Admiralty Chart referred to in the above-quoted Agreement of 1885 (**No. 119**), shall follow a straight line directed towards the centre of the present town of Yola.

* Par. Pap., Treaty Series, No. 17, 1893. See map facing this page.

From that centre a measuring line shall be drawn to a point on the left bank of the River Benue five kilometres below the centre of the main mouth of River Faro; from the latter point the circumference of a circle, the centre of which is that of the present town of Yola, and the radius of which is the aforesaid measuring line, shall be described, south of the Benue, continuing till it shall meet the straight line drawn from the Old Calabar or Cross River. The boundary, deflecting from that straight line at this point of intersection, shall follow the circumference of the circle till it shall arrive at the point where the circumference reaches the Benue. This point on the Benue shall henceforth be accepted as the point to the east of, and close to, Yola, mentioned in the Agreement of 1886 (**No. 122**).

Continuation of Boundary Line to Lake Chad.

ART. II. The boundary determined in the preceding Article shall be continued northward as follows:—

A line shall be drawn from the point on the left bank of the River Benue fixed in that Article, which, crossing the river, shall go direct to the point where the 13th degree of longitude east of Greenwich is intersected by the 10th degree of north latitude. From that point it shall go direct to a point on the southern shore of Lake Chad, situated 35 minutes east of the meridian of the centre of the town of Kuka, this being the distance between the meridian of Kuka and the 14th meridian east of Greenwich measured on the map [by Kiepert*] published in the German Kolonial Atlas of 1892.†

In the event of future surveys showing that a point so fixed assigns to the British sphere a less proportion of the southern shore of Lake Chad than is shown in the aforesaid map, a new terminal point making good such deficiency, and as far as possible in accordance with that at present indicated, shall be fixed as soon as possible by mutual agreement. Until such

* These words were accidentally omitted from the English text of the Agreement, but it was arranged by an exchange of Notes, signed at Berlin, 23rd December, 1893, that they should be considered as forming part and parcel of the context of Art. II in the same juxtaposition as they appear in the German text.

† "Deutscher Kolonial Atlas."

agreement is arrived at, the point on the southern shore of Lake Chad, situated 35 minutes east of the meridian of the centre of the town of Kuka, shall be the terminal point.

Boundary Line Subject to Rectification.

ART. III. Any part of the line of demarcation traced in this Agreement, and in the preceding Agreements above quoted, shall be subject to rectification by agreement between the two Powers.

British and German Spheres of Influence.

ART. IV. The territories to the west of the boundary line traced in the present Agreement, and in the preceding above-quoted Agreements, shall fall within the British sphere of influence, those to the east of the line shall fall within the German sphere of interest.

German Sphere not to Extend Eastward beyond the Basin of the River Shari, Darfur, Kordofan, and Bahr-el-Ghazal.

It is, however, agreed that the influence of Germany in respect to her relations with Great Britain shall not extend eastwards beyond the basin of the River Shari, and that Darfur, Kordofan, and Bahr-el-Ghazal, as defined in the map published in October, 1891, by Justus Perthes, shall be excluded from her influence, even if affluents of the Shari shall be found to lie within them.

Non-interference of either Power in Sphere of Influence of the other.

ART. V. The two Powers take, as regards the extended spheres of influence traced in the present Agreement, a similar engagement as regards their respective spheres to that taken in the preceding above-quoted Agreements.

They agree that neither will interfere with the sphere of influence of the other, and that one Power will not, in the sphere of the other, make acquisitions, conclude Treaties, accept sovereign rights or Protectorates, or hinder or dispute the influence of the other.

Map to illustrate the boundary between

GREAT BRITAIN & GERMANY IN WEST AFRICA

according to Agreement of 15th November, 1893.

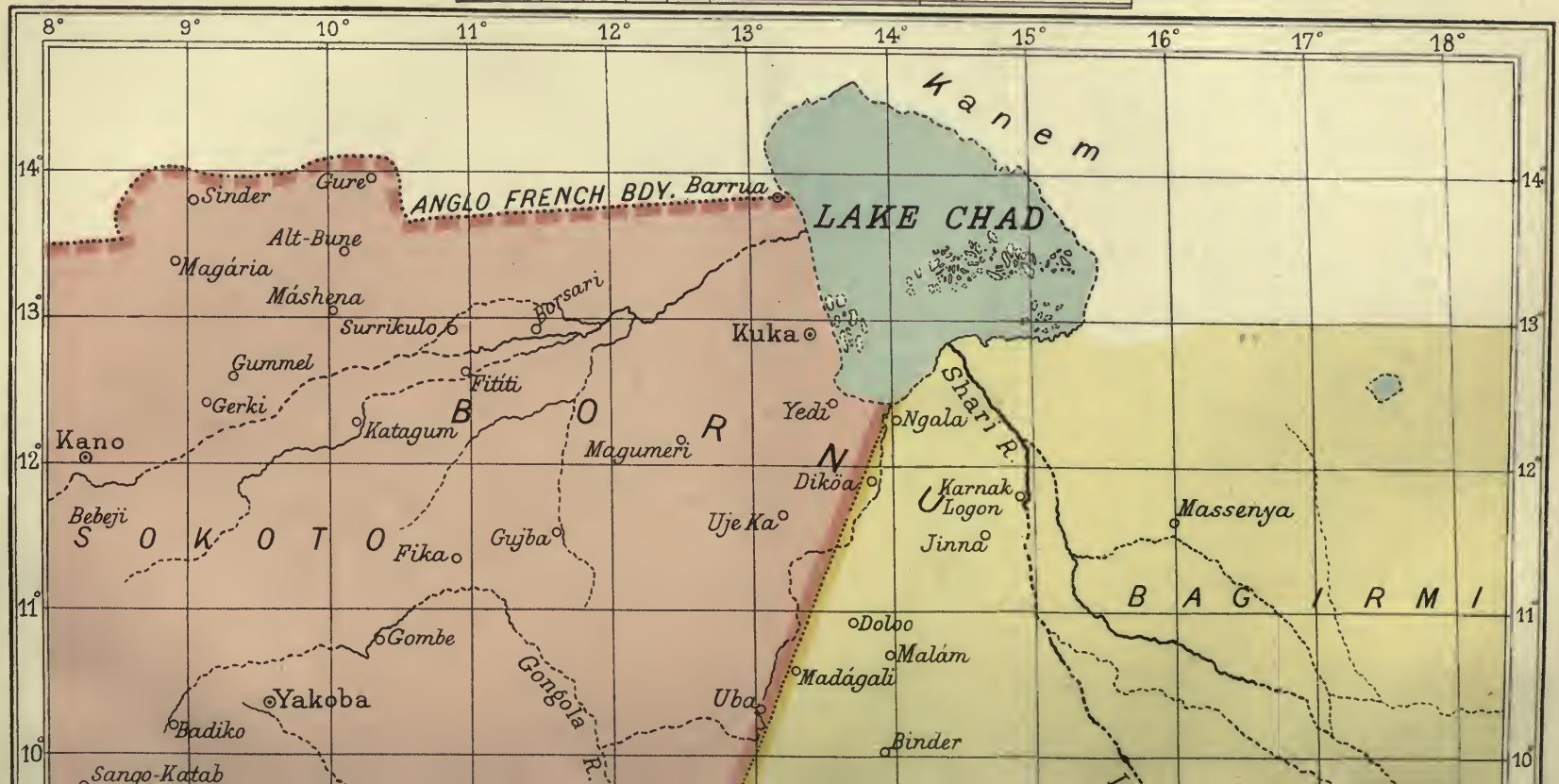
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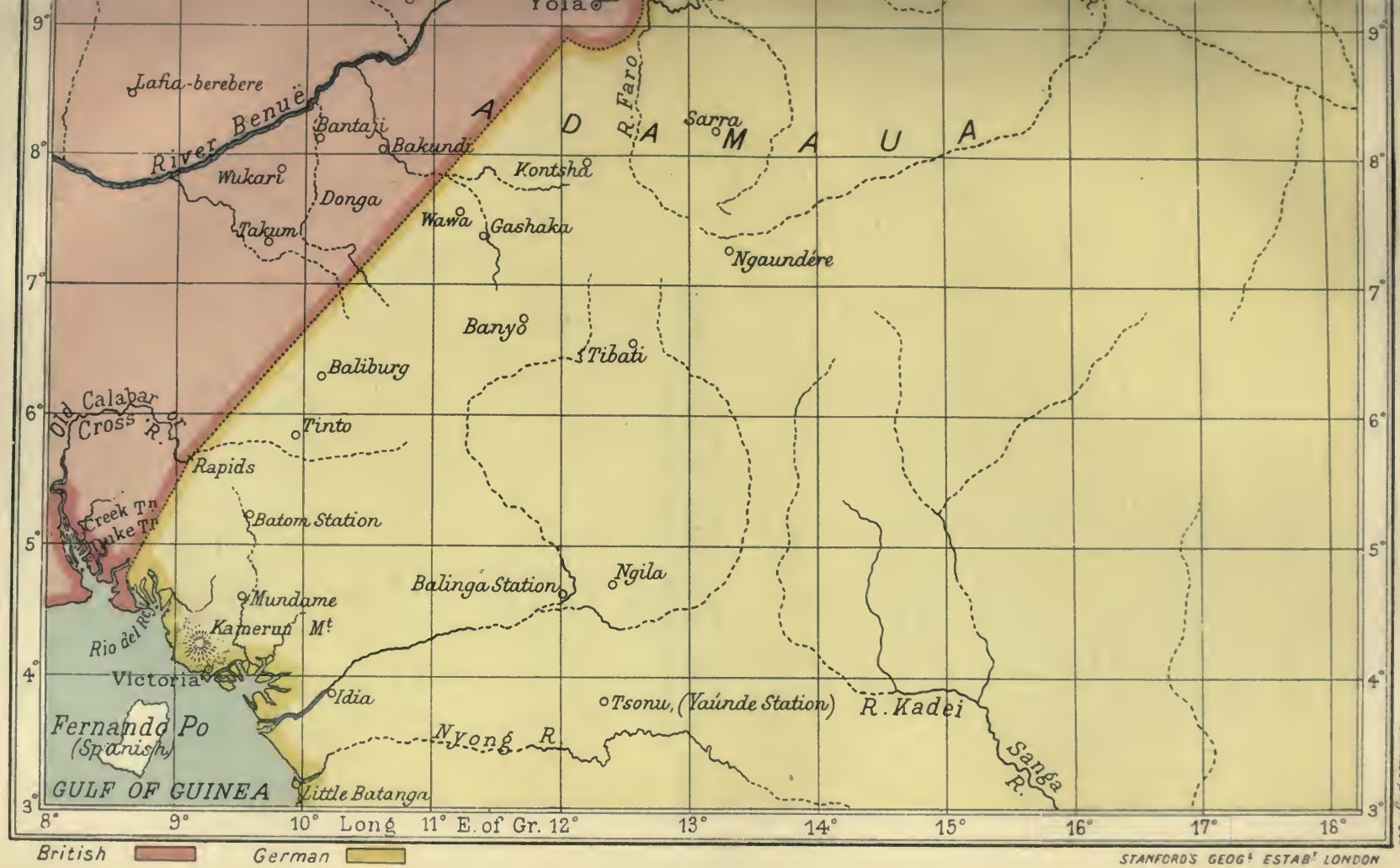
BOUNDARY BETWEEN GREAT BRITAIN & GERMANY, IN WEST AFRICA

According to Agreement of 15th November 1893

Scale, 1/5,512,320, or 1 Inch = 87 Stat. Miles

20 0 20 40 60 80 100 200 300 MILES





Note.—*The Geographical detail on this map was taken from Keport's Kolonial Atlas.*

To face page 660

Map to illustrate the boundary between

GREAT BRITAIN & GERMANY IN WEST AFRICA

according to Agreement of 15th November, 1893.

Navigation of the Niger.

ART. VI. Great Britain recognizes her obligation to apply as regards the portion of the waters of the Niger and its affluents under her sovereignty or protection, the provisions relating to freedom of navigation enumerated in Articles 26, 27, 28, 29, 30, and 33 of the Act of Berlin of February 26, 1885 (**No. 17**). Germany on her side recognizes her obligation, under the 32nd Article, to be bound by those provisions as regards the portion of the waters under her control.

Berlin, the 15th November, 1893.

MARTIN GOSSELIN.
FRHR. VON MARSCHALL.

On the 24th February, 1894,* a Convention was concluded between Great Britain and Germany, establishing a Customs Union between the Gold Coast Colony, east of the Volta, and Togoland.

It was stipulated therein that the British possessions on the Gold and Slave Coasts, lying to the east of the River Volta and the German possessions on the Gold and Slave Coasts should form a single Custom Territory, without any intervening Customs barrier, in such a manner that one and the same rate of Customs Duty should be levied within them, and that goods having paid Customs Duty on the one territory might be imported into the other without additional payment.

HINTERLAND.—On the 9th November, 1884, the German Ambassador in London (Count Munster) addressed a note to Earl Granville on the subject of the Cameroons Territory, in which he said:—

"The distance to which the frontiers of the German Protectorate extend inland cannot at present be defined. In regard to this the Imperial Government reserves its freedom of decision, in the same way as the English do in the occupation of portions

* Par. Paper. "Treaty Series. No. 16 (1894)."

of a Coast line, as shown recently by the proclamation of a British Protectorate over the South Coast of New Guinea, as to which Mr. Ashley stated, on the 25th ult. in the House of Commons, that it was not then possible to define the inland frontiers of the English Protectorate, but that the Protectorate would be extended as far as local circumstances might demand." (S. P., vol. lxxvi, p. 758.)

GREAT BRITAIN AND ITALY.

GREAT BRITAIN AND ITALY.

LIST OF TREATIES, &c.

No.				Page
—	3 Feb., 1885.	Proclamation ..	Italian occupation of Massowah. (See Abyssinia, &c., and Italy.)	
134	17 Aug., 1888.	Declaration....	Abolition of British Consular Jurisdiction at Massowah	664
—	22 Dec., 1890.	Agreement.....	Great Britain, Germany, and Italy. Tariff of Eastern Zone of Conventional Basin of the Congo. (See Africa. (General.))	
135	24 Mar., 1891.	Protocol	British and Italian Spheres of Influence in Eastern Africa. River Juba to Blue Nile. (Map.).....	665
136	15 April, 1891.	Protocol	British and Italian Spheres of Influence. Ras Kasar to Blue Nile. (Map.).....	667
136*	5 May, 1894.	Protocol	British and Italian Spheres of Influence in the Regions in Eastern Africa.....	670

No. 134.—*BRITISH DECLARATION. Abolition of British Consular Jurisdiction at Massowah. 17th August*, 1888.

Declaration.

WHEREAS the Island of Massowah, and the adjacent territories on the mainland, are occupied and administered by His Majesty the King of Italy,* and a judicial system has been established there, based on the principles of European law; and whereas Her Majesty's Government recognize that the system of the Capitulations is incompatible with the existing situation.

It is hereby declared that any Consular officers whom Her Majesty may appoint to reside at Massowah shall not take any exception, based on the Capitulations,† to the jurisdiction established there by His Italian Majesty's Government, and shall not exercise any rights and functions nor claim any privileges other than those which appertain to the Consuls of Her Britannic Majesty residing in the Italian Kingdom.

SALISBURY.

Foreign Office, 17*th August*, 1888.

* See Italian Proclamation, 3rd February, 1885, p. 8.
† British Capitulations. Turkey. 1675. H.T., vol. ii, p. 346.

No. 135.—*PROTOCOL between the British and Italian Governments for the Demarcation of their respective Spheres of Influence in Eastern Africa, from the River Juba to the Blue Nile.* 24*th March*, 1891.

(Translation.)

The Undersigned,

The Marquis of Dufferin and Ava, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; and

The Marquis de Rudini, President of the Council, and Minister for Foreign Affairs of His Majesty the King of Italy;

After careful examination of the respective interests of the two countries in Eastern Africa, have agreed as follows:—

Line of Demarcation of British and Italian Spheres of influence from the River Juba to the Blue Nile.

Kismayu to remain to England.

1. The line of demarcation in Eastern Africa between the spheres of influence respectively reserved to Great Britain and Italy shall follow from the sea the mid-channel (thalweg) of the River Juba up to latitude 6° north, Kismayu with its territory on the right bank of the river thus remaining to England. The line shall then follow the 6th parallel of north latitude up to the meridian 35° east of Greenwich, which it will follow up to the Blue Nile.*

Line may be altered by mutual agreement.

2. If future explorations should hereafter show occasion, the line following the 6th parallel of north latitude and the 35th degree of longitude east of Greenwich, may, by common agreement be amended in its details in accordance with the hydrographic and orographic conditions of the country.

* See also Protocols, 15th April, 1891, p. 667, and 5th May, 1894, p. 670.

Equality of Treatment between British and Italian Subjects and protected Persons at Kismayu.

3. In the station of Kismayu and its territory, there shall be equality of treatment between the subjects and protected persons of the two countries, in all that relates to their persons, their goods, or to the exercise of any kind of commerce and industry.

Done at Rome, in duplicate, the 24th March, 1891.

(L.S.) DUFFERIN AND AVA.
(L.S.) RUDINI.

[The demarcation of this boundary was completed towards the north, as far as the Red Sea, by the Protocol of 15th April, 1891. See p. 667.]

No. 136.—*PROTOCOL between Great Britain and Italy for the Demarcation of their respective Spheres of Influence in East Africa, from Ras Kasar to the Blue Nile. 15th April,* 1891.*

(Translation.)

BEING desirous of completing, towards the north as far as the Red Sea, the demarcation of the respective spheres of influence of England and Italy, which the two Parties have already agreed on by the Protocol of the 24th March last (**No. 135**), from the mouth of the Juba in the Indian Ocean to the intersection of 35° east longitude of Greenwich with the Blue Nile, the Undersigned:

The Marquis of Dufferin and Ava, Ambassador of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

The Marquis de Rudini, President of the Council and Minister for Foreign Affairs of His Majesty the King of Italy;

Have agreed as follows:—

Line of Italian Sphere of Influence from Ras Kasar to the Blue Nile.

I. The sphere of influence reserved to Italy is bounded on the north and on the west by a line drawn from Ras Kasar on the Red Sea to the point of intersection of the 17th parallel north with the 37th meridian east Greenwich. The line, having followed that meridian to 16° 30′ north latitude, is drawn from that point in a straight line to Sabderat, leaving that village to the east. From that village the line is drawn southward to a point on the Gash 20 English miles above Kassala, and rejoins the Atbara at the point indicated as being a ford on the map of Werner Munzinger "Originalkarte von Nord Abessinien und den Ländern am Mareb, Barca, und

* See also Protocols, 24th March, 1891, p. 665, and 5th May, 1894, p. 670.

Anseba, de 1864" (Gotha, Justus Perthes), and situated at 14° 52′ north latitude. The line then ascends the Atbara to the confluence of the Kor Kakamot (Hahamot), whence it follows a westerly direction till it meets the Kor Lemsen, which it descends to its confluence with the Rahad. Finally, the line, having followed the Rahad for the short distance between the confluence of the Kor Lemsen and the intersection of 35° east longitude, Greenwich, identifies itself in a southerly direction with that meridian, until it meets the Blue Nile, saving ulterior amendment of details, according to the hydrographic and orographic conditions of the country.

Right of Italy to occupy Kassala, &c., temporarily, in case of need.

II. The Italian Government shall be at liberty, in case of being obliged to do so by the necessities of the military situation, to occupy Kassala and the adjoining country as far as the Atbara. Such occupation shall in no case extend to the north nor to the north-east of the following line :—

From the right bank of the Atbara, in front of Gos Rejeb, the line is drawn in an easterly direction to the intersection of the 36th meridian, east, Greenwich ; thence, turning to the south-east, it passes 3 miles to the south of the points marked Filik and Metkinab on the above-mentioned map of Werner Munzinger, and joins the line mentioned in Article I, 25 English miles north of Sabderat, measured along the said line.

Reservation of Egyptian Rights over the said Territory.

It is nevertheless agreed between the two Governments that any temporary military occupation of the additional territory specified in this Article shall not abrogate the rights of the Egyptian Government over the said territory, but that these rights shall only remain in suspense until the Egyptian Government shall be in a position to re-occupy the district in question up to the line indicated in Article I of this protocol, and there to maintain order and tranquillity.

Map to Illustrate

PROTOCOL BETWEEN GREAT BRITAIN AND ITALY OF 15th April 1891.

U

To face page 662



STANFORD'S GEOG^L ESTAB^T, LONDON

Scale 1/5,702,400 or 1 Inch = 90 Stat. Miles



Map to illustrate

PROTOCOL BETWEEN GREAT BRITAIN & ITALY

of 15th April, 1891.

Non-construction of Irrigation Works on the Atbara which might affect its flow into the Nile.

III. The Italian Government engages not to construct on the Atbara, in view of irrigation, any work which might sensibly modify its flow into the Nile.

Free passage of Italians and their Goods between Metemma and Kassala.

IV. Italy shall have for her subjects and protected persons, as well as for their goods, free passage without duty on the road between Metemma and Kassala, touching successively El Affareh, Doka, Suk-Abu-Sin (Ghedaref), and the Atbara.

Done at Rome, in duplicate, this 15th of April, 1891.

(L.S.) DUFFERIN AND AVA.
(L.S.) RUDINI.

No. 136.*—*AGREEMENT between Great Britain and Italy defining their respective Spheres of Influence in Eastern Africa. (Somali, &c.) Rome, May 5, 1894.*

"In order to complete the delimitation of the spheres of influence of Great Britain and Italy in Eastern Africa, which formed the subject of the Protocols signed at Rome on the 24th March (**No. 135**), and the 15th April, 1891 (**No. 136**), the Undersigned, authorized by their respective Governments, have agreed as follows:—

[Here follow the names of the Plenipotentiaries.]

Boundary. Spheres of Influence.

"1. The boundary of the spheres of influence of Great Britain and of Italy in the regions of the Gulf of Aden shall be constituted by a line which, starting from Gildessa and running towards the 8th degree of north latitude, skirts the north-east

* Parl. Pap., "Treaty Series, No. 17 (1894)."

frontier of the territories of the Girrhi, Bertiri, and Rer Ali tribes, leaving to the right the villages of Gildessa, Darmi, Gig-giga, and Milmil. On reaching the 8th degree of north latitude the line follows that parallel as far as its intersection with the 48th degree of longitude east of Greenwich. It then runs to the intersection of the 9th degree of north latitude with the 49th degree of longitude east of Greenwich, and follows that meridian of longitude to the sea.

Ogaden Regions. Trade.

"2. The two Governments engage to conform, in the regions of the British Protectorate and in those of the Ogaden, to the stipulations contained in the General Act of Berlin (**No. 17**) and in the Declaration of Brussels (**No. 18**) relative to freedom of trade, in favour as well of British and Italian subjects and protected persons as of the tribes inhabiting those territories.

Port of Zeyla. Trade, &c.

"3. In the Port of Zeyla there shall be equality of treatment between British and Italian subjects and protected persons in all that relates to their persons, their property, and to the exercise of trade and industry."

Rome, May 5, 1894.

FRANCIS CLARE FORD.
FRANCESCO CRISPI.

* Parl. Pap., "Treaty Series, No. 17 (1894)."



Map to Illustrate

BOUNDARY PROTOCOL BETWEEN GREAT BRITAIN & ITALY

of 5th May, 1894.



Map to illustrate

BOUNDARY PROTOCOL BETWEEN GREAT BRITAIN & ITALY

of 5th May, 1894.

GREAT BRITAIN AND LIBERIA.

(See LIBERIA.)

GREAT BRITAIN AND NETHERLANDS.

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No. 137.—*NOTES on the Possessions formerly held by the Netherlands on the West Coast of Africa.* 1814—1871.

The King of the Netherlands has no longer any Possessions in Africa; but numerous Dutch factories exist on the Congo, as well as on the north and south of that river.

Cape of Good Hope.

The Cape of Good Hope, which was captured by the English during the French Revolutionary War, was retained by Great Britain at the conclusion of the General Peace of 1814, and was formally ceded by the Netherlands to Great Britain by the Convention of 13th August, 1814, from which the following is an extract*:—

Preamble.

"The United Provinces of the Netherlands, under the favour of Divine Providence, having been restored to their independence, and having been placed by the loyalty of the Dutch people and the achievements of the Allied Powers under the government of the Illustrious House of Orange; and His Britannick Majesty being desirous of entering into such arrangements with the Prince Sovereign of the United Netherlands, concerning the Colonies of the said United Netherlands which have been conquered by His Majesty's arms during the late war, as may conduce to the prosperity of the said State, and may afford a lasting testimony of His Majesty's friendship and attachment to the family of Orange and to the Dutch nation; the said High Contracting Parties, equally animated by those sentiments of cordial goodwill and attachment to each other, have nominated for their Plenipotentiaries, namely:

[Here follow the Names and Titles of the Plenipotentiaries.]

Cape of Good Hope, &c.

"ART. I. His Britannick Majesty engages to restore to the Prince Sovereign of the United Netherlands, within the term

* Hertslet's "Map of Europe by Treaty," vol. i, pp. 42 and 46.

which shall be hereafter fixed, the Colonies, factories, and establishments, which were possessed by Holland at the commencement of the late war, viz., on the 1st January, 1803, in the seas and on the continents of America, Africa, and Asia, *with the exception of the Cape of Good Hope* and the Settlements of Demerara, Essequibo, and Berbice, of which Possessions the High Contracting Parties reserve to themselves the right to dispose by a Supplementary Convention, hereafter to be negotiated according to their mutual interests; and especially with reference to the provisions contained in Articles VI and IX of the Treaty of Peace signed between His Britannick Majesty and His Most Christian Majesty, on the 30th of May, 1814."*

In an Additional Article to this Treaty, relating to the cession to Great Britain of the Cape of Good Hope, it was agreed as follows:—

"In order the better to provide for the defence and incorporation of the Belgick Provinces with Holland, and also to provide, in conformity to Article IX of the Treaty of Paris,† a suitable compensation for the rights ceded by His Swedish Majesty under the said Article, which compensation, it is understood, in the event of the above reunion, Holland should be liable to furnish, in pursuance of the above stipulations; it is hereby agreed between the High Contracting Parties, that His Britannick Majesty shall take upon himself, and engage to defray the following charges:—

"1. The payment of 1,000,000*l.* sterling to Sweden, in satisfaction of the claims aforesaid, and in pursuance of a Convention this day executed with His Swedish Majesty's Plenipotentiary to that effect, a copy of which Convention is annexed to these Additional Articles.‡

"2. The advance of 2,000,000*l.* sterling, to be applied, in concert with the Prince Sovereign of the Netherlands, and in

* See Hertslet's "Map of Europe by Treaty," vol. i, pp. 8 and 9.

† On the 19th May, 1815, a Convention was concluded between Great Britain, the Netherlands, and Russia, relative to the Russian Dutch Loan, &c., which formed part of the arrangements made consequent upon the Union of the Belgick Provinces with Holland. H.T., vol. iv, p. 371.

‡ H.T., vol. ii, p. 341.

aid of an equal sum, to be furnished by him, towards augmenting and improving the defences of the Low Countries

"3. To bear, equally with Holland, such further charges as may be agreed upon between the said High Contracting Parties and their Allies, towards the final and satisfactory settlement of the Low Countries, in union with Holland, and under the dominion of the House of Orange, not exceeding in the whole the sum of 3,000,000*l.* to be defrayed by Great Britain.

Cession to Great Britain of the Cape of Good Hope, &c.

"In consideration and in satisfaction of the above engagements, as taken by His Britannick Majesty, the Prince Sovereign of the Netherlands agrees to cede in full sovereignty to His Britannick Majesty, the Cape of Good Hope, and the settlements of Demerary, Essequibo, and Berbice, upon the condition, nevertheless, that the subjects of the said Sovereign Prince, being proprietors in the said Colonies or settlements, shall be at liberty (under such regulations as may hereafter be agreed upon in a Supplementary Convention) to carry on trade between the said settlements and the territories in Europe of the said Sovereign Prince.

"It is also agreed between the two High Contracting Parties, that the ships of every kind belonging to Holland, shall have permission to resort freely to the Cape of Good Hope, for the purposes of refreshment and repairs, without being liable to other charges than such as British subjects are required to pay."

Interchange between British and Dutch Possessions on the Gold Coast.

The Dutch formerly possessed certain territories, also, on the Gold Coast, but, on the 5th March, 1867, a Convention was concluded between Great Britain and the Netherlands for an interchange of their respective territories on that coast, and the following are extracts from that Convention:—*

* H.T., vol. xii, p. 1194. Signed in the English and Dutch languages. For Dutch Version, see S.P., vol. lvii, p. 36. See also Convention of 25th February, 1871, p. 676.

Preamble.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, being of opinion that an interchange of territory on the West Coast of Africa would conduce to their mutual advantage, and would promote the interests of the inhabitants, have resolved to conclude a Convention for that purpose, and have therefore named as their Plenipotentiaries, that is to say:—

[Here follow the names of the Plenipotentiaries.]

Mutual Exchange of Forts and Possessions on the Gold Coast.

Art. I.* Her Britannic Majesty cedes to His Majesty the King of the Netherlands all British Forts, Possessions, and Rights of Sovereignty or Jurisdiction which she possesses on the Gold Coast to the westward of the mouth of the Sweet River, where their respective Territories are conterminous; and His Majesty the King of the Netherlands cedes to Her Britannic Majesty all Netherland Forts, Possessions, and Rights of Sovereignty or Jurisdiction which he possesses on the Gold Coast to the eastward of the mouth of the Sweet River, where their respective Territories are conterminous.

Boundary Line.

The Boundary between the Possessions of Her Britannic Majesty and those of His Majesty the King of the Netherlands will be a line drawn true north from the centre of the mouth of the Sweet River as far as the Boundary of the present Ashantee kingdom, but with such deviations within 3 English miles of the coast, as shall be necessary to retain within British Territory any village which have been in habitual dependence on the British Government at Cape Coast, and within Netherland Territory any villages which have been in habitual dependence on the Netherland Government of St. George d'Elmina.

* An Outline Map, showing the British Territory on the Gold Coast, to accompany the Report of Colonel Ord, R.E., Commissioner, was laid before Parliament with Papers relating to the West Coast of Africa, in 1865.

ART. II.—*Customs Tariff.*

ART. III.—*Prevention of Frauds.*

ART. IV.—*Duration of Customs Tariff.*

ART. V.—*Relaxation of Customs Duties.*

ART. VI.—*Transfer of Forts, Possessions, &c., dependent on Establishment of proposed Tariff.*

New Boundary Map.

ART. VII. After the transfer alluded to in the foregoing Article shall have been made, a Map shall be drawn of the New Boundary division according to the terms of Article I. Two copies of the said Map, duly attested by the Governments on either side, shall then be appended to this Convention for the purpose of showing the Boundary, which shall undergo no alteration, even should any of the villages mentioned at the end of Article I be subsequently abandoned, or the Tariff be modified or withdrawn.*

ART. VIII.—*Ratifications.*†

Transfer to Great Britain of Netherland Possessions on the Gold Coast.

On the 25th February, 1871, a Convention was signed between Great Britain and the Netherlands for the transfer by the latter to the former of the Dutch Possessions on the Coast of Guinea (or Gold Coast), and the following are extracts from that Convention:—‡

Preamble.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Nether-

* The Boundary Commissioners were: for Great Britain, Mr. Fredk. M. Skues, Assistant Staff Surgeon; and for the Netherlands, Lieut. C. A. Jeckel, of the Netherlands Navy. A chart of the Boundary Line was prepared by them in February, 1868, and a Report upon the subject addressed to the Governors of the English and Dutch Settlements on the West Coast of Africa, by whom the chart was duly attested.

† Ratifications exchanged at London, 5th July, 1867.

‡ H.T., vol. xiii, p. 656. Signed in the English and Dutch languages. For Dutch Version, see S.P., vol. 61, p. 13.

lands, being desirous to proceed with the regulation of the respective interests in their Colonies in the friendly spirit which has constantly marked the relations between both Kingdoms, and taking into consideration that the mixed dominion exercised on the Coast of Guinea by Great Britain and the Netherlands has occasioned to the native population much harm, which did not cease after the interchange of territory stipulated by the Treaty of 5th March, 1867,* and the remedy for which is not to be expected until the two Powers shall carry out, with regard to their respective Possessions, the principle of abstaining from or giving up mixed dominion or mixed possession, have with a view of concluding arrangements for that purpose, named as their Plenipotentiaries, that is to say:—

[Here follow the names of the Plenipotentiaries.]

Transfer to Great Britain of Netherland Rights, Sovereignty, &c., on Coast of Guinea.

ART. I.† His Majesty the King of the Netherlands transfers to Her Majesty the Queen of the United Kingdom of Great Britain and Ireland all the Rights of Sovereignty, Jurisdiction, and Property which he possesses on the Coast of Guinea.

Acceptance by Great Britain of Netherland Rights of Sovereignty.

ART. II. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland accepts those Rights, and the obligations resulting from them towards the Populations hitherto placed under the authority of the King of the Netherlands.

Security to Persons formerly Hostile to Tribes dependent on Great Britain.

The British authorities will take care, as far as possible, that no Person belonging to these Populations, who may, during the dominion of the Netherlands, have participated in quarrels or

* Or Gold Coast, p. 674.

† A map showing the position of the Dutch Settlements on the West Coast of Africa was laid before Parliament, with correspondence on the subject, in February, 1872 [C. 670].

hostilities with Independent Tribes or Tribes dependent on Great Britain, shall be annoyed or troubled on that account.

Permission to Netherland Subjects to Remove from Possessions ceded.

Any person who, within a period of six years after the actual Transfer of the aforesaid Possessions, may wish to remove to other Netherland Possessions or to foreign places, shall be considered at liberty to do so by the British authorities.

Forts, Buildings, &c., comprised in Transfer.

ART. III. In the transfer are comprised all the Forts, Buildings, and Premises, with the Grounds appertaining thereto, owned by the Netherland Government, as also all the Stores of Ordnance, Weapons, Ammunition, and the like, besides Furniture and all other moveable Objects, with the exception of those articles which the Netherland authorities at the Coast may deem unfit for transfer.

Stores and Moveable Articles to be paid for.

ART. IV.—*Permission to Africans to continue to dwell by themselves.*

ART. V.—*Netherland Subjects to be treated as British Subjects.*

Netherland Subjects, Vessels, and Commerce to be on equal Footing with British Subjects, Vessels, and Commerce.

ART. VI.—*Ratifications.**

Recruitment of Free Labourers for Service in Colonies.

On the 2nd November, 1871, a Protocol was signed between the British and Netherland Governments, in which it was stipulated that—"If at any time the British Government should allow the recruitment of free labourers in British Possessions on the Coast of Guinea and their exportation to British Colonies, such recruitment and exportation from those British Possessions shall also, on the same conditions, be

* Ratifications exchanged at the Hague, 17th February, 1872.

secured to the Netherlands in behalf of the Netherland Colonies," which stipulation was declared to be considered as having the same force and value as the Convention of 25th February, 1871.

The King of the Netherlands was a Signatory Party to the Berlin Act of 26th February, 1885 (**No. 17**), as well as to the Brussels Act of 2nd July, 1890 (**No. 18**).

GREAT BRITAIN AND PORTUGAL.

GREAT BRITAIN AND PORTUGAL.

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No. 138.—*ADDITIONAL CONVENTION to the Treaty between Great Britain and Portugal, of 22nd January, 1815, for the prevention of the Slave Trade. Portuguese Limits on East and West Coasts of Africa. London, 28th July,* 1817.*

(English Version.)

ART. II. The territories in which the traffic in slaves continues to be permitted under the Treaty of the 22nd January, 1815, to the subjects of His Most Faithful Majesty, are the following:—

Portuguese Possessions. Cape Delgado to Bay of Lorenço Marques.

§ 1. The territories possessed by the Crown of Portugal upon the coast of Africa to the south of the Equator; that is to say, upon the eastern coast of Africa, the territory lying between Cape Delgado and the Bay of Lorenço Marques; and upon the western coast, all that which is situated from the 8th to the 18th degree of south latitude.

Portuguese Claims. Molembo and Cabinda.

§ 2. Those territories on the coast of Africa to the south of the Equator, over which His Most Faithful Majesty has declared that he has retained his rights, namely—

The territories of Molembo and Cabinda upon the eastern† (*sic*) coast of Africa, from 5° 12′ to 8° south latitude.

* S.P., vol. iv, p. 81; H. T., vol. ii, p. 81.

† Error. Should be *western*. Corrected by a Declaration, signed 3rd April, 1819. S.P., vol. iv, p. 116.

No. 139.—*PROTOCOL OF CONFERENCE between Great Britain and Portugal, agreeing to refer to Arbitration their respective Claims to the Island of Bulama, on the Western Coast of Africa, and to a certain portion of Territory opposite to that Island on the Mainland. Lisbon, January* 13, 1869.*

WHEREAS the Government of His Most Faithful Majesty asserts a claim to the island of Bulama, on the western coast of Africa, and to a certain portion of territory opposite to that island on the mainland; and whereas the Government of Her Britannic Majesty asserts a claim to the same island and the same territory opposite to it on the mainland; and whereas both parties, being animated by a friendly feeling, and neither of them having any wish to appropriate territory which may lawfully belong to the other, have consented to refer their respective claims to the arbitration of a third Power in whom both repose confidence.

For this purpose they have agreed to apply to the President of the United States of America, and it now becomes necessary to place on record certain terms and arrangements with a view to obtaining the speedy and convenient hearing and determination of the claims in question: and the undersigned the Marquis de Sà da Bandeira, a peer of the realm, President of the Council of Ministers, Minister and Secretary of State of War, and *ad interim* Minister for Foreign Affairs of His Most Faithful Majesty, and the Honourable Sir Charles A. Murray, Knight Commander of the Bath, &c., and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Lisbon, being duly authorized by their respective Governments, have agreed as follows:

ART. I. The respective claims of His Most Faithful Majesty's Government and of the Government of Her Britannic Majesty

* S.P., vol. lxi, p. 1163. H.T., vol. xiii, p. 688. For Award, 21st April, 1870, see p. 688.

to the island of Bulama, on the western coast of Africa, and to a certain portion of territory opposite to that island on the mainland, shall be submitted to the arbitration and award of the President of the United States of America, who shall decide thereupon finally and without appeal.

ART II. The award of the President of the United States, whether it be wholly in favour of the claim of either party, or in the nature of an equitable solution of the difficulty, shall be considered as absolutely final and conclusive; and full effect shall be given to such award without any objection, evasion, or delay whatsoever. Such decision shall be given in writing and dated; it shall be in whatsoever form the President may choose to adopt; it shall be delivered to the Ministers or other public agents of Portugal and of Great Britain, who may be actually at Washington, and shall be considered as operative from the day of the date of the delivery thereof.

ART. III. The written or printed case of each of the two parties, accompanied by the evidence offered in support of the same, shall be laid before the President within six months from the date hereof, and a copy of such case and evidence shall be communicated by each party to the other, through their respective Ministers at Washington. After such communication shall have taken place, each party shall have the power of drawing up and laying before the President a second and definite statement, if it think fit so to do, in reply to the case of the other party so communicated, which definitive statement shall be so laid before the Arbiter, and also be mutually communicated in the same manner as aforesaid by each party to the other within six months from the date of laying the first statement of the case before the Arbiter.

ART. IV. If in the case submitted to the Arbiter, either party shall specify or allude to any report or document in its own exclusive possession without annexing a copy, such party shall be bound, if the other party thinks proper to apply for it, to furnish that party with a copy thereof. And if the Arbiter should desire further elucidation or evidence with regard to any point contained in the statements laid before him, he shall be at liberty to require it from either party, and he shall be at liberty

to hear one counsel or agent for each party, in relation to any matter which he shall think fit, and at such time, and in such manner, as he may think fit.

ART. V. The Ministers or other public agents of Portugal and of Great Britain at Washington respectively shall be considered as the agents of their respective Governments to conduct their case before the Arbiter, who shall be requested to address all his communications and give all his notices to such Ministers or other public agents, whose acts shall bind their Governments to and before the Arbiter on this matter.

ART. VI. It shall be competent to the Arbiter to proceed in the said arbitration, and all matters relating thereto, as and when he shall see fit, either in person or by a person or persons named by him for that purpose, either with closed doors or in public sitting, either in the presence or absence of either or both agents, and either *vivâ voce* or by written discussion or otherwise.

ART. VII. The Arbiter shall, if he think fit, appoint a secretary, registrar, or clerk, for the purposes of the proposed arbitration, at such rate of remuneration as he shall think proper. This and all other expenses of, and connected with, the said arbitration, shall be provided for as hereinafter stipulated.

ART. VIII. The Arbiter shall be requested to deliver, together with his award, an account of all the costs and expenses which he may have been put to, in relation to this matter, which shall forthwith be repaid in two equal portions, one by each of the two parties.

ART. IX. The Arbiter shall be requested to give his award in writing as early as convenient after the whole case on each side shall have been laid before him, and to deliver one copy thereof to each of the said agents.

Should the Arbiter be unable to decide wholly in favour of either of the respective claims, he shall be requested to give such a decision as will, in his opinion, furnish an equitable solution of the difficulty.

Should he decline to give any decision, then everything done in the premises by virtue of this Agreement shall be null

and void, and it shall be competent for the Portuguese and British Governments to do and proceed in all respects as if the reference to arbitration had never been made.

Done at Lisbon, the 13th of January, 1869.

(L.S.) SA DA BANDEIRA.
(L.S.) CH. A. MURRAY.

No. 140.—*AWARD of the President of the United States, as Arbiter on the Claims of Great Britain and of Portugal to the Island of Bulama, on the Western Coast of Africa, and to a certain portion of Territory opposite to that Island, on the Mainland. Washington 21st April,* 1870.*

Ulysses S. Grant, President of the United States, to whom it shall concern, greeting:

The functions of Arbiter having been conferred upon the President of the United States, by virtue of a Protocol of a Conference held in Lisbon, in the Foreign Office, on the 13th day of January, in the year of our Lord 1869 (**No. 139**), between the Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty the King of Portugal and Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, whereby it was agreed that the respective claims of His Most Faithful Majesty's Government and of the Government of Her Britannic Majesty to the Island of Bulama on the Western Coast of Africa, and to a certain portion of territory opposite to that island, on the mainland, should be submitted to the arbitration and award of the President of the United States of America, who should decide thereupon finally and without appeal;

And the written or printed case of each of the two parties, accompanied by the evidence afforded in support of the same, having been laid before the Arbiter within six months from the date of the said Protocol, and a copy of such case and evidence having been communicated by each party to the other through their respective Ministers at Washington, and each party, after such communication had taken place, having drawn up and laid before the Arbiter a second and definite statement in reply to the case of the other party so communicated, which said definitive statements were so laid before the Arbiter, and were also mutually communicated, in the same manner as aforesaid,

* S.P., vol. lxi, p. 1193. H.T., vol. xiii, p. 938.

by each party to the other, within six months from the date of laying the first statement before the Arbiter:

And it appearing that neither party desires to apply for any report or document in the exclusive possession of the other party, which has been specified or alluded to in any of the cases submitted to the Arbiter, and that neither party desires to be heard by counsel or agent in relation to any of the matters submitted in this arbitration;

And a person named by the Arbiter for that purpose, according to the terms of the said Protocol, having carefully considered each of the said written or printed statements so laid before the Arbiter, and the evidence offered in support of each of the same, and each of the said second or definitive statements;

And it appearing that the said Island of Bulama and the said mainland opposite thereto were discovered by a Portuguese navigator in 1446; that long before the year 1792, a Portuguese settlement was made at Bissao, on the River Jeba, which said settlement has ever since been maintained under Portuguese sovereignty; that in the year 1699, or about that time, a Portuguese settlement was made at Guinala, on the Rio Grande, which last-named settlement, in the year 1778, was "a large village, inhabited only by Portuguese, who had been there from father to son for a long time"; that the coast line from Bissao to Guinala, after crossing the River Jeba, includes the whole coast on the mainland opposite to the Island of Bulama; that the Island of Bulama is adjacent to the mainland, and so near it that animals cross at low water; that in 1752 formal claim was made by Portugal to the Island of Bulama, which claim has been ever since asserted; that the island was not inhabited prior to 1792, and was unoccupied, with the exception of a few acres thereof, at the west end, which were used by a native tribe for the purpose of raising vegetables; that the British title is derived from an alleged cession by native chiefs in 1792, at which time the sovereignty of Portugal had been established over the mainland and over the Island of Bulama; that the Portuguese Government has not relinquished its claim, and now occupies the island with a Portuguese settlement of 700

persons; that attempts have been made since 1792 to fortify the British claim by further similar cessions from native chiefs; and that none of the acts done in support of the British title have been acquiesced in by Portugal;

And no further elucidation or evidence with regard to any point contained in the statements so laid before the Arbiter being required:

Now, therefore, I, Ulysses S. Grant, President of the United States, do award and decide, that the claims of the Government of His Most Faithful Majesty the King of Portugal to the Island of Bulama on the western coast of Africa, and to a certain portion of territory opposite to this island on the mainland, are proved and established.

In testimony whereof I have hereunto set my hand, and have caused the seal of the United States to be hereto affixed.

Done in triplicate, in the city of Washington, on the 21st day of April, in the year of our Lord 1870, and of the Independence of the United States of America the 94th.

U. S. GRANT.

By the President,
HAMILTON FISH, *Secretary of State.*

No. 141.—*ACT of the Governor-General of the Cape de Verde Islands, taking possession of the Island of Bulama in the name of the Portuguese Government. Beavers Port, 1st October,* 1870.*

(Translation.)

In the year of our Lord Jesus Christ, 1870, on the 1st day of October, at Beavers Port, in the Island of Bulama, in presence of his Excellency Caetano Alexandre d'Almeida Albuquerque, Governor-General of the Province of Cape Verde Islands and their Dependencies, as Representative of the Portuguese Government, and Mr. J. Craig Loggie, Civil Commandant of the island, as Representative of the British Government, and in presence of the persons Undersigned, the said Governor-General, in the name of his Government, took possession of this Island of Bulama, without any opposition, protest, or reclamation, that could raise a doubt, and in accordance with the following decision, which was issued by the President of the United States of America, chosen as arbitrator by the two Governments of Portugal and England, to decide upon the rights which both nations thought they had to the possession of the said island, and to some territory in front thereof, which decision is as follows:—

[Here follows the Award of 21st April, 1870. **(No. 140.)**]

And in order to certify the possession taken by the said Governor-General of the Cape Verde Islands and their Dependencies as Representative of the Portuguese Government, and which was transferred to him by Mr. J. Craig Loggie, Civil Commandant, the present Act has been drawn up and is to be duly registered after it is signed by the said Representative of the Portuguese Government, Caetano Alexandre de Almeida e Albuquerque, Governor-General of the Cape Verde Province, and by Mr. J. Craig Loggie, Representative of the British Government, and the witnesses who were present. And I,

* S.P., vol. lxi, p. 1105; H.T., vol. xiii, p. 693.

Guilherme Augusto de Brito Capêllo, Second Lieutenant of the Portuguese Navy, acting as Secretary, have written and signed it.

GUILHERME AUGUSTO DE BRITO CAPELLO,
Second Lieutenant, Secretary.
CAETANO ALEXANDRE DE ALMEIDA E ALBUQUERQUE, *Governor-General.*
ALVARO TELLES CALDEIRA, *Governor of Guinea.*
J. CRAIG LOGGIE.
ALFRED WALTER LEWIS.

No. 142.—*PROTOCOL. Great Britain and Portugal. Reference of Delagoa Bay (or Lorenço Marquez) Dispute to Arbitration. Lisbon, 25th September,* 1872.

PROTOCOL of a Conference held at the Foreign Office in Lisbon, on the 25th of September, 1872, between Her Britannic Majesty's Chargé d'Affaires at the Court of Lisbon and the Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty.

WHEREAS the Government of Her Britannic Majesty asserts a claim to certain territories formerly belonging to the Kings of Tembé and Mapoota, on the eastern coast of Africa, including the Islands of Inyack and Elephant; and whereas the Government of His Most Faithful Majesty asserts a claim to a portion of the same territories, as far as 26° 30′,* and whereas both Parties, being animated by a friendly feeling, and neither of them having any wish to appropriate territory which may lawfully belong to the other, have consented to refer their respective claims to the arbitration of a third Power, in whom both repose confidence.

For this purpose, they have agreed to apply to the President of the French Republic; and it now becomes necessary to place on record certain terms and arrangements with a view of obtaining the speedy and convenient hearing and determination of the claims in question; and the Undersigned, William Doria, Her Britannic Majesty's Chargé d'Affaires at the Court of Lisbon, and the Councillor João de Andrade Corvo, Minister and Secretary of State for Foreign Affairs of His Most Faithful Majesty, being duly authorized by their respective Governments, have agreed as follows :—

[Here follow Articles I to IX, respecting the form in which the respective claims should be presented to the Arbitrator, &c.]

* H.T., vol. xiii, p. 708. See Treaty, Portugal and South African Republic, 29th July, 1869, Art. XXIII, § 2. (PORTUGAL, p. 822.)

No. 143.—*BRITISH CASE. Conflicting Claims of Great Britain and Portugal to Territories formerly belonging to Kings of Tembé and Mapoota, on the East Coast of Africa, including the Islands of Inyack and Elephant. September,* 1873.*

[*Extract from the Case presented by Her Britannic Majesty's Government, September*, 1873.]

"For several years serious differences have existed between the Governments of Great Britain and Portugal in reference to their respective claims to certain territories on the Eastern Coast of Africa and the adjacent islands.

"By a Protocol signed at Lisbon on the 25th September, 1872 (**No. 142**), the two Governments agreed to submit their respective claims to the territories and islands in question to the arbitration and award of the President of the French Republic, who should decide thereon finally and without appeal.

"These territories are described by the Protocol as formerly belonging to the Kings of Tembé and Mapoota, on the Eastern Coast of Africa, including the Islands of Inyack and Elephant, and so far as the Portuguese claim is concerned, extend as far as 26° 30′ south latitude.

"The chart which is annexed shows a sufficient outline of the territories respectively claimed, but does not reach quite so far south as 26° 30′; and the part which is coloured pink marks the portion to which the British Government asserts a right, contending that the Portuguese dominion reaches south only *ad medium filum aquæ* of the Dundas or Lorenço Marques River, the English River, and the little Bay of Lorenço Marques, being bounded on the east by the sea, and not extending to the Inyack Peninsula, or to the Inyack and Elephant Islands.

"The chart purports to be a survey of the Bay of Delagoa which, it will be seen, is a large indentation on the east coast of Africa extending between latitudes 25° 30′ south and 26° 21′ south.

* Par. Paper, "Portugal No. 1 (1875)."

"Nearly in the centre of this large bay is a smaller bay lying between Cape Reuben to the north, and Cape Mawhome to the south. The English River, with its confluents the Mattoll, the Lorenço Marques or Dundas, and the Tembé, falls into this smaller bay.

"The Portuguese contend that although Delagoa Bay means the Bay of Bays or the Great Bay, yet that the words Delagoa Bay and Lorenço Marques Bay are convertible terms, and that at all events the smaller bay must be comprehended in the expression, and taken as a part of Delagoa Bay.

"The English Government, on the contrary, maintain that, accurately speaking, the term Lorenço Marques is in no sense applicable to the large bay, but is strictly confined to the smaller bay.

"The Portuguese factory or fort called Lorenço Marques is situated on the left or north bank of the English River, nearly at the point where the river falls into the little or Lorenço Marques Bay.

"The Island of Elephant is nearly opposite the centre of the small bay, and lies about 20 miles to the east of it. South of Elephant is Inyack Island, and again south of Inyack Island is Colatto Point, forming the extremity of the peninsula, which joins the mainland, and rounds the southern extremity of Delagoa Bay, of which the western shore, intersected however by the River Mapoota, is continued north, round Mawhome Point, up to the south or right bank of the English River.

"The territories in dispute, and coloured pink on the chart, were, as the Protocol admits, at some time the property of the Kings of Tembé and Mapoota.*

"The main questions for the consideration of the Arbiter are whether those Kings have in any way, either by conquest, cession, or otherwise, ceased to be the possessors of these territories, or of any, and what, portion of them. And if the Kings of Tembé and Mapoota, or either of them, be no longer independent, whether the Portuguese or the British Government has acquired a right to the dominion over those lands.

"On the part of the British Government it is contended—

* Not given.

"1. That these several territories, though discovered by the Portuguese, were never, in fact, taken possession of, occupied, or held by the Portuguese, whose dominions to the south were always bounded by the Dundas or Lorenço Marques, and by the English River, and to the east by the sea, and were at no time extended to Elephant and Inyack Islands, or to the Inyack Peninsula.

"2. That the whole country south of the Dundas or Lorenço Marques River and English River, and to seaward, was free and independent: the native inhabitants under their chiefs, retaining absolute dominion over, and possession of, these territories, over which the Portuguese exercised no jurisdiction.

"3. That these chiefs, with the consent of the natives, and in exercise of their independent rights, ceded by Treaty, in 1823, the sovereignty over these territories to the Crown of Great Britain.

"The grounds of this contention on the part of Her Majesty's Government will appear from the following statements of facts, official documents, and correspondence, and the arguments fairly deducible therefrom."

[Then followed a general history and explanation of the points on which the contention of the British Government rested; but it has not been thought necessary to give further extracts from the British Case, or any portion of the Portuguese Case.]

No. 144.—*EXCHANGE OF NOTES. Non-cession of Rights of Sovereignty in disputed Territories. June*, 1875.*

(1.) *The British Minister at Lisbon to the Portuguese Minister for Foreign Affairs.*

Cintra, 14*th June*, 1875.

In accordance with instructions received from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, relative to those territories situated on the south-east coast of Africa over which Her Britannic Majesty has hitherto exercised rights of sovereignty disputed by the Government of His Most Faithful Majesty, and with reference, more especially, to the decision not yet officially declared of the President of the French Republic, to whose arbitration the two Governments have agreed to refer their adverse claims to the possession of the above-mentioned territories, the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has now the honour to submit to His Most Faithful Majesty's Minister for Foreign Affairs, for the friendly consideration of His Most Faithful Majesty's Government, a proposal on the part of Her Britannic Majesty's Government that Great Britain and Portugal should enter into a mutual agreement to the effect that, whichever way the award of the Arbitrator may be given, as regards the right of sovereignty over the above-mentioned territories, the Power in whose favour the award is made will not entertain any proposal for the acquisition of the said territory by any other Power, until the defeated claimant shall have had an opportunity of making to the successful claimant a reasonable offer for the acquisition of that territory, either by purchase or for some other consideration.

In inviting the assent of the Portuguese Government to the proposal thus made to it on behalf of the British Government, the Undersigned is anxious to assure His Most Faithful Majesty's Minister for Foreign Affairs, that when the Government of Her Britannic Majesty agreed to refer to the arbitra-

* S.P., vol. lxx, p. 338; P.P., "Africa, No. 1 (1875)." See also Convention, 20th August, 1890, p. 715.

tion of the President of the French Republic the Portuguese claims to a territory of which Great Britain had long been in practical possession, the motive of Her Majesty's Government in so doing was a sincere desire to remove from the old and cordial relations between Great Britain and Portugal a long-standing ground of contention as to the sovereignty of a territory so closely neighbouring the Colonial Possessions of the two Powers in Southern Africa. But the possession of that territory by any third Power, to whom the surrender of it was not contemplated by the British Government when the British Government agreed to submit to arbitration the disputed title on which it had hitherto claimed and held the territory in question, would scarcely be calculated to inspire on the part of Her Majesty's Government those sentiments of confidence and security with which they are fully prepared to accept the award of the Arbitrator, if that award be favourable to the claims of Portugal.

The Undersigned therefore trusts that, in the same friendly spirit which, in regard to this and all other questions affecting their several interests, has so long and so happily animated the relations between Great Britain and Portugal, the Government of His Most Faithful Majesty will be readily disposed to entertain the proposal hereby submitted to them by the Undersigned, who avails himself of the present opportunity to renew &c.

LYTTON.

Senhor Corvo.

(2.) *The Portuguese Minister for Foreign Affairs to Lord Lytton.*

Foreign Department,

(Translation.) *Lisbon, 17th June,* 1875.

The Undersigned, His Most Faithful Majesty's Minister and Secretary of State for Foreign Affairs, had the honour to receive the note which was addressed to him on the 14th instant by Lord Lytton, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, relative to the territories situated

on the east coast of Africa, the possession of which was disputed by the two Governments of Portugal and of Great Britain, a dispute which was, by mutual assent, referred to the arbitration of the President of the French Republic.

While expressing the apprehensions of his Government as to the eventuality of the territories in question being ceded to a third Power, Lord Lytton remarks that, when the British Government agreed to refer to the arbitration of the President of the French Republic the question which had for so many years been pending between the said Government and that of Portugal, they were animated by the sincere desire of removing from the old and cordial relations between Portugal and England a ground of contention as to the right of sovereignty over a territory which was in the immediate neighbourhood of the Colonial Possessions of the two countries; and he adds that the possession of that territory by any third Power could hardly inspire in Her Britannic Majesty's Government those sentiments of confidence and security with which they are prepared to accept the award of the Arbitrator in favour of Portugal.

In thanking Lord Lytton for the assurances which his Excellency gives him in his note as to the sentiments of cordiality and confidence entertained by Her Britannic Majesty's Government, which sentiments are sincerely reciprocated by His Most Faithful Majesty's Government, the Undersigned has the greatest pleasure in giving his Excellency the fullest assurance as to the determination of the Portuguese Government of not ceding to any third Power the territory, the possession of which may be secured for it in virtue of the arbitration of Marshal MeMahon, and of observing, both on this and on all other occasions, a perfect loyalty towards the British Government, in whose friendship and loyalty the Government of His Most Faithful Majesty entirely confides.

The Undersigned, &c.,

JOÃO DE ANDRADE CORVO.

Lord Lytton.

[Lorenço Marques or Delagoa Bay.]

(3.) *Lord Lytton to Senhor Corvo.*

Cintra, 24th June, 1875.

In acknowledging the receipt of the obliging reply which the Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, has had the honour to receive, under date of the 17th instant, from His Most Faithful Majesty's Minister for Foreign Affairs to the note addressed by the Undersigned, on the 14th instant, to his Excellency, inviting the Portuguese Government to enter into an Agreement with the Government of Her Britannic Majesty not to cede or sell to any third Power the territories on the south-east coast of Africa awarded to Portugal by the decision of the President of the French Republic, to whose arbitration the adverse claims of the two Governments to the territories in question were by mutual consent submitted, without having previously given to Her Britannic Majesty's Government the opportunity of making a reasonable offer for the purchase or acquisition, by other arrangements satisfactory to Portugal, of the territory thus awarded, the Undersigned has much pleasure in expressing to His Most Faithful Majesty's Minister for Foreign Affairs the great satisfaction with which the assurance contained in his Excellency's above-mentioned note of the 17th instant has been received by Her Britannic Majesty's Government.

Requesting His Most Faithful Majesty's Minister for Foreign Affairs to accept his own thanks and those of Her Britannic Majesty's Government for this prompt and satisfactory answer to his communication of the 14th instant, the Undersigned avails himself, &c.

LYTTON.

Senhor Corvo.

No. 145.—*DECISION of the President of the French Republic, on the Dispute between Great Britain and Portugal respecting the possession of certain Territories and Islands in the Bay of Delagoa or Lorenço Marques. Versailles, 24th July,* 1875.

(Translation.)

We, Marie Edme Patrice Maurice de MacMahon, Duke of Magenta, Marshal of France, President of the French Republic, ruling by virtue of the powers which have been conferred on the President of the French Republic in the terms of the Protocol signed at Lisbon, 15th September, 1872 (**No. 142**), by which the Government of Her Majesty the Queen of Great Britain and Ireland and that of His Majesty the King of Portugal have agreed to leave to the President of the French Republic, to be decided by him positively and without appeal, the dispute which has been pending between them since the year 1823, on the subject of the possession of the territories of Tembe and Maputo, and of the Inyack and the Elephants Islands, situated in the Bay of Delagoa or Lorenzo Marquez, on the East Coast of Africa:

Considering the Case submitted to the Arbitrator by the Representatives of the two Parties on the 15th September, 1873;* and the Counter-Case likewise submitted by them on the 14th and 15th September, 1874:*

Considering the letters from his Excellency the English Ambassador and from the Portuguese Minister at Paris, dated 8th February, 1875:*

The Commission appointed on the 10th March, 1873, for the purpose of examining the documents and papers respectively produced, having acquainted us with the result of its examination:

Whereas the litigation, so far as its object has been determined by the Cases submitted to the Arbitrator, and lastly, by the letters above referred to from the Representatives at

* It has not been thought necessary to give these documents.—E. H.

Paris of the two Parties, bears on the right to the following territories, viz.:—

1. The territory of Tembe, bounded on the north by the River Espirito Santo, or English River, and by the River Lorenzo Marquez, or Dundas; on the west, by the Lebombo Mountains; on the south and on the east, by the River Maputo, and from the mouth of this river up to that of the Espirito Santo by the shore of the Bay of Delagoa, or Lorenzo Marquez.

2. The territory of Maputo, in which are comprised the peninsula and island of Inyack, as well as the Elephants Island, and which is bounded on the north by the shore of the bay; on the west by the River Maputo, from its mouth up to parallel 26° 30′ of south latitude; on the south by this same parallel; and on the east by the sea:

Whereas the Bay of Delagoa, or Lorenzo Marquez, was discovered in the 16th century by Portuguese navigators; and whereas up to the 17th and 18th, Portugal has occupied various points on the north coast of this bay, and on the island of Inyack, of which the Isle of Elephants is a Dependency:

Whereas, since the discovery, Portugal has at all times claimed rights of sovereignty over the whole of the bay and riverain territories, as well as the exclusive right of trading in it; whereas, moreover, she has sustained this claim by force of arms against the Dutch, about 1732, and against the Austrians, in 1781:

Whereas the actions by which Portugal has sustained its pretensions have not raised any remonstrance on the part of the Government of the United Provinces, and whereas, in 1782, these pretensions have been tacitly accepted by Austria, after diplomatic explanations exchanged between this Power and Portugal:

Whereas in 1817 England herself did not contest the right of Portugal, when she concluded with the Government of His Most Faithful Majesty the Convention of 28th July (**No. 138**), for the suppression of the Slave Trade; whereas, moreover, the second Article of this Convention should be interpreted in this sense that it designates as forming part of the possession of the Crown of Portugal the whole of the bay to which is applied

without distinction one or other of the denominations Delagoa, or Lorenzo Marquez:

Whereas, in 1822, the Government of His Britannic Majesty, when charging Captain Owen with the hydrographical survey of the Bay of Delagoa, and of the rivers which have their mouth there, had recommended him to the good offices of the Portuguese Government:

Whereas, if the accidental weakness of the Portuguese authority in these parts was able, in 1823, to lead Captain Owen into error, and cause him to consider in good faith, as actually independent of the Crown of Portugal, the native chiefs of the territories now in dispute, the acts concluded by him with these Chiefs were none the less in violation of the rights of Portugal:

Whereas, almost immediately after the departure of the English ships, the Native Chiefs of Tembe and Maputo recognized afresh their dependence in the presence of the Portuguese authorities, thus testifying themselves that they had not had the power of contracting:

Whereas the Conventions signed by Captain Owen and the Native Chiefs of Tembe and Maputo, even if they had then been exchanged between parties capable of contracting, would now be void, the Act relating to Tembe stipulating essential conditions which have not been carried out, and the Acts concerning Maputo, concluded for fixed periods of time, have never been renewed after the expiration of these delays:

Therefore we have judged and decided that the claims of the Government of His Most Faithful Majesty to the territories of Tembe and Maputo, to the Peninsula of Inyack, and to the Isles of Inyack and the Elephants, are duly proved and established.

Versailles, 24th July, 1875.

M^al^. DE MACMAHON,
Duke of Magenta.

No. 146.—*PROTOCOL. Great Britain and Portugal. British Ratification of the Convention between Portugal and the South African Republic (Transvaal) of 11th December, 1875. Exchange of Ratifications. 7th October, 1882.*

The Undersigned met together at the Department of Foreign Affairs of Portugal for the purpose of proceeding to the exchange of the ratifications by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, as Suzerain of the Transvaal State, and by His Majesty the King of Portugal and of the Algarves, of the Treaty and Protocol concluded and signed between Portugal and the South African Republic, now the Transvaal State, on the 11th December, 1875.*

The two Plenipotentiaries, after having shown to each other their respective full powers, authorizing them to carry out the act in question, with the declarations contained in the notes dated the 26th and 31st of last May, which they mutually communicated to each other, and which are annexed to this Protocol, read over the original instruments of the said ratifications, and having found them correct and in due and proper form, the exchange of the same was effected.

In witness whereof the Undersigned have drawn up this Protocol, and have affixed thereto their respective seals.

Done in duplicate at Lisbon on the 7th day of October, 1882.

(L.S.) WALTER BARING.
(L.S.) A. DE SERPA PIMENTEL.

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* See Convention between British and Transvaal Governments, 3rd August, 1881 (see South African Republic, p. 841).

(Annex I.)—Explanatory Notes.

Sir C. Wyke to Senhor Serpa.

British Legation, Lisbon, 26th May, 1882.

M. le Ministre,

With reference to your Excellency's note to Mr. Saurin of the 21st January last, I have now the honour, in compliance with instructions received from Earl Granville, to deliver to you a copy of a despatch addressed to me by his Lordship, dated the 12th instant, embodying the views of Her Majesty's Government with respect to the unratified Treaty between the Portuguese Government and the Transvaal, of the 11th December, 1875.

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

I beg leave to call your Excellency's attention to the reference made in the above-mentioned despatch to Article III of the said Treaty, exempting from duties the products of the Transvaal and of the Portuguese Possessions in Mozambique.

Jurisdiction and Duties of the Portuguese Consuls in the Transvaal.

and to the provision of Article XXV of the Convention of the 3rd August, 1881, as well as to Articles XVI to XX in the Treaty of the 11th December, 1875, respecting the jurisdiction and duties of Portuguese Consuls in the Transvaal.

Railway from Portuguese Frontier to the Transvaal and Swaziland.

Another point in this despatch to which I should advert is the stipulation in the Protocol attached to the last-named Treaty for the continuation of the railway from the Portuguese frontier to the Transvaal, passing through Swaziland, the independence of which was recognized by the Convention of

the 3rd August, 1881, as it had already been by Her Majesty's Government during the British occupation of the Transvaal. Your Excellency will observe, by the statement contained in Lord Granville's despatch, that Her Majesty's Government will be willing to use their influence to facilitate such agreement with the Swazis as may be requisite to enable the line of railway to be continued through Swaziland to the frontier of the Transvaal State.

In conclusion, I have the honour to inform your Excellency that I am authorized by Her Majesty's Government, as you will perceive from Lord Granville's despatch, to exchange the ratifications of the Treaty in question (1875) under the conditions set forth in that despatch, which conditions might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the said Treaty.

If your Excellency should concur in the course thus proposed, I would request you to be so good as to favour me with your reply, as well as with a draft copy of the Protocol, embodying the conditions referred to in the notes thus exchanged, for my own consideration of the matter and subsequent transmission to Her Majesty's Government for their approval.

I avail, &c.,

C. L. WYKE.

(Inclosure in Annex I.)

Earl Granville to Sir C. Wyke.

Sir, *Foreign Office, 12th May*, 1882.

I HAVE communicated to Her Majesty's Secretary of State for the Colonies Mr. Saurin's despatch of the 21st January last, inclosing a copy and translation of a note addressed to him by M. Serpa on the same day, referring to the unratified Treaty between the Portuguese Government and the Transvaal of the 11th December, 1875,* and at the same time expressing the readiness of Portugal to forward the construction of the

* See PORTUGAL and SOUTH AFRICAN REPUBLIC, p. 823. Ratifications exchanged between Great Britain and Portugal, 7th Oct., 1882, p. 704.

railway from Lourenço Marques to the frontier, in conformity with the stipulations of that Treaty. M. Serpa in his note requests that Her Majesty's Government should accordingly communicate the views therein contained to the Government of the Transvaal, through the British Resident in that State, and that Her Majesty's Legation at Lisbon should be furnished with the necessary powers of ratification on the part of the Transvaal Government.

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

With reference to Article III of the Treaty, the Earl of Kimberley observes that it reciprocally exempts from duties the products of the Transvaal and the Portuguese Possessions in Mozambique, and as, under Article XXV of the Convention of the 3rd August, 1881,* British produce imported into the Transvaal is entitled to the treatment of the most favoured nation, it would follow that British produce would be entitled to the same privilege of exemption as the produce of Mozambique. Her Majesty's Government, however, have no intention of claiming the benefit of that stipulation, and they consider that it should be retained in the Treaty, looking to the difficulty of collecting duties on the extended land frontiers of the Portuguese Possessions and the Transvaal.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

Articles XVI and XX, relating to the Consuls, appears to contain nothing which conflicts with the Convention of the 3rd August, 1881,* so far as concerns Portuguese Consuls in the Transvaal, except that Article XIX assigns certain quasi-diplomatic duties to the Consuls; but as Her Majesty's Consular Officers will act on behalf of the Transvaal State abroad, the stipulation relating to the appointment of Consuls by the South African Republic, now the Transvaal State, can no longer have any application.

* See SOUTH AFRICAN REPUBLIC, p. 841.

The exequatur to Portuguese or to any other foreign Consuls in the Transvaal will, of course, be granted by Her Majesty's Government.

Railway from Portuguese Frontier to the Transvaal across Swaziland.

As regards the stipulation in the Protocol attached to the Treaty, by which the Government of the South African Republic bound itself to continue the line of railway from the Portuguese frontier, I have to observe that a portion of the line of railway, after quitting the Portuguese territory, would pass through Swaziland, the independence of which is recognized by the Convention of the 3rd August, 1881,* as it had previously been by Her Majesty's Government during the British occupation of the Transvaal.

It will be proper that you should point this out to the Portuguese Government, giving them at the same time the assurance that, in case of steps being taken to construct the railway, Her Majesty's Government will use their influence to facilitate such agreements with the Swazis as may be requisite to enable the line to be continued through Swaziland to the frontier of the Transvaal State.

I have now to instruct you to deliver a copy of this despatch to the Portuguese Minister for Foreign Affairs, and to inform his Excellency that you are authorized by Her Majesty's Government to exchange the ratifications of the Treaty under the conditions above explained, which might be recorded by an exchange of notes, to be referred to in a Protocol annexed to the Treaty.

If this course should be concurred in by His Excellency, you will transmit to me a copy of the proposed notes and Protocol referring thereto for the approval of Her Majesty's Government.

I am, &c.,
GRANVILLE.

* See South African Republic, p. 841.

(Annex 2.)

Senhor Serpa to Sir Charles Wyke.

(Translation.) *Lisbon, 31st May*, 1882.

Your Excellency,

His Majesty's Government have taken into due consideration the note which your Excellency did me the honour to address to me on the 26th instant, as well as the despatch addressed to your Excellency by Earl Granville, with reference to the exchange of the ratifications of the Treaty between Portugal and the Transvaal of the 11th December, 1875, and of which a copy was forwarded to me by your Excellency.

I am informed by your Excellency that you are authorized to proceed to the exchange of the ratifications of that Treaty under the conditions and with the declarations contained in that despatch, namely:—

Exemption from Duties of the Produce of the Transvaal and of the Portuguese Possessions in Mozambique.

1. That inasmuch as Article III of the Treaty provides for the mutual exemption from import duties on the products of the Transvaal and of the Portuguese Possessions in Mozambique, and inasmuch as British products are entitled, in virtue of Article XXV of the Convention of the 3rd August, 1881,* to enjoy the treatment accorded to the products of the most favoured nation, they are also entitled to enjoy the exemption stipulated in favour of the products of Mozambique. That, nevertheless, Her Britannic Majesty's Government do not intend to claim the benefit of the stipulation in question, and they consider that it ought to be retained in the Treaty in view of the difficulty of collecting customs duties along the extensive land frontier which separates the Transvaal from the Portuguese Possessions.

* See South African Republic, p. 841.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

2. That Articles XVI to XX of the Treaty of the 11th December, 1875,* which relate to Consular Agents, do not contain any provisions that are contradictory to the Convention of the 3rd August, 1881, as far as regards the Portuguese Consular Agents, with the exception of Article XIX, which confers almost diplomatic functions upon the Consuls; but as Her Britannic Majesty's Consular Agents will represent the Transvaal in foreign countries, the stipulation concerning the appointment of Consuls on the part of the South African Republic is not applicable, and the exequatur to the Portuguese Consular Agents, or to those of any other foreign nation, will of course be accorded by Her Britannic Majesty's Government.

Railway from Portuguese Frontier to the Transvaal, across Swaziland.

3. That by the Convention of the 3rd August, 1881, the independence of Swaziland was recognized, through which territory the line of railway must run which the Transvaal bound itself to construct from the Portuguese frontier to some centre in the interior, in accordance with the stipulations set forth in the Protocol annexed to the said Treaty; but that, in the event of steps being taken for carrying into effect the construction of that line of railway, Her Britannic Majesty's Government will use their influence in order to get the Swazis to accede to any agreements which may be rendered necessary for the purpose of the said line of railway crossing the territory of Swaziland.

His Majesty's Government, on their part, have no objection that these declarations should be embodied in the notes exchanged between the two Governments, and to which reference is to be made in the Protocol which will remain annexed to the Treaty of the 11th December, 1875.*

* See PORTUGAL and SOUTH AFRICAN REPUBLIC, p. 823.

Exemption from payment of Import Duties of the Produce of the Tranvaal of the Portuguese Possessions in Mozambique.

His Majesty's Government fully agree with the Government of Her Britannic Majesty as to the expediency of retaining the stipulation set forth in Article III of the Treaty, which exempts from the payment of import duties in the territory of the South African Republic, the products of the soil or of the industry of the Portuguese possessions in Mozambique, and *vice versâ* the products of the soil or of the industry of that Republic in the said possessions.

His Majesty's Government abstain, as in duty bound, from expressing an opinion with respect to the interpretation or application of the clause of the most-favoured-nation treatment stipulated in the Convention of the 3rd August, 1881, between Great Britain and the South African Republic;* His Majesty's Government are, however, glad to see that, whatsoever objections might perchance be entertained by the Government of the Transvaal in retaining the stipulation laid down in Article III of the Treaty of 1875, with the obligation of extending to the products of other nations the benefit accorded to the products of the Portuguese possessions in Mozambique, those objections will be entirely removed by the solemn declaration made by Her Britannic Majesty's Government that they do not intend to claim the benefit of that stipulation. His Majesty's Government, when they consented to exempt from the payment of all import duties on the land frontier of the Province of Mozambique the products of the soil and of the industry of the Transvaal, did so in view of the special circumstances to which Earl Granville alludes, and they do not, on their part, consider themselves bound to accord in the maritime Custom-houses a similar exemption in favour of the products of any nations to which they may have guaranteed a most-favoured-nation treatment.

Jurisdiction and Duties of Portuguese Consuls in the Transvaal.

The South African Republic having accepted the suzerainty of, and control by, Her Britannic Majesty as regards the external relations of that Republic, His Most Faithful Majesty

* See South African Republic, p. 841.

cannot but acknowledge that the Articles of the Treaty of the 11th December, 1875, which relate to Consular Agents, will have to be modified in the sense mentioned in Earl Granville's despatch.

Railway from Portuguese Frontier to the Transvaal, across Swaziland.

His Majesty's Government are thankful for and accept the offer made to them by Her Britannic Majesty's Government of interposing their influence in order to facilitate the construction of the line of railway from Lorenço Marques across the territory of Swaziland. His Majesty's Government were already reckoning upon the valuable co-operation of Her Britannic Majesty's Government for the carrying out of a work which must effectually tend to the civilization of Southern Africa; and if the new surveys and inquiry, which it is expedient should still be made, were to prove that the best route for the line to follow lies across Swaziland, and that this country, under the influence of Great Britain, is able to give the indispensably requisite facilities and guarantees as regards safety for the construction of the line and for the traffic thereon, His Majesty's Government will not fail to solicit in due time the intercession of Her Britannic Majesty's Government with a view to coming to the requisite agreements with that country.

Conditional Exchange of Ratifications of the Treaty between Portugal and the Transvaal of 11th December, 1875.

The conditions under which the exchange of the ratifications of the Treaty of the 11th December, 1875,* is to be effected having thus been explained, I flatter myself with the belief that Her Britannic Majesty's Government will agree to proceed to the act in question, and to the signature, at the same time, of a Protocol in accordance with the draft which I have the honour to transmit herewith to your Excellency, and which is to be annexed to the Treaty.

I avail, &c.

A. DE SERPA.

* See PORTUGAL and SOUTH AFRICAN REPUBLIC, p. 823.

No. 147.—*TREATY between Her Majesty and His Majesty the King of Portugal respecting the Rivers Congo and Zambesi, and the Territory on the West Coast of Africa between the 8° and 5° 12′ of South Latitude. Signed at London, 26th February,* 1884.*

[This Treaty was not ratified, but see Agreement, 14th November, 1890, page 728.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations; to put an end to all difficulties relative to the rights of sovereignty over the districts at the mouth of the Congo on the West Coast of Africa, situated between 8° and 5° 12′ of south latitude; to provide for the complete extinction of the Slave Trade; and to promote the development of commerce and civilization in the African Continent; have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Granville George, Earl Granville, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c.;

And His Most Faithful Majesty the King of Portugal and the Algarves, Senhor Miguel Martins d'Antas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

Art. I. Subject to the conditions of the present Treaty, Her Britannic Majesty agrees to recognize the sovereignty of His Most Faithful Majesty the King of Portugal and the Algarves over that part of the West Coast of Africa situated between 8° and 5° 12′ of south latitude: and inland as far as follows:—

* S.P., vol. lxxv, p. 476.

On the River Congo the limit shall be Nokki.

On the coast situated between 8° and 5° 12′ of south latitude the inland eastern frontier shall coincide with the boundaries of the present possessions of the coast and riparian tribes. This frontier shall be defined, and the definition shall be communicated with the least possible delay by His Most Faithful Majesty to Her Britannic Majesty.

The definition, when approved by the High Contracting Parties, shall be recorded in a Protocol to be annexed to the present Treaty.

ART. II.—*Right of Access of Subjects of all Nations to the above Territory.*

ART. III.—*Freedom of Navigation of the Rivers Congo and Zambesi and their affluents. Claims of Portugal on the Shiré not to extend beyond the confluence of the River Ruo with that river.*

ART. IV.—*Freedom of Trade and Navigation, &c.*

ART. V.—*No Transit or other Duties to be levied.*

ART. VI.—*Open Roads.*

ART. VII.—*Protection of Missionaries. Religious Liberty.*

ART. VIII.—*Treaties with Native Chiefs to be communicated by either Power to the other.*

ART. IX.—*Customs Tariff.*

ART. X.—*Confirmation of Privileges to British Subjects and their Commerce. Most-favoured-nation Treatment.*

ART. XI.—*Wrecks.*

ART. XII.—*Slavery and the Slave Trade. Permission to British Ships of War to enter Territorial Waters of Portuguese Eastern African Colonies for Suppression of the Slave Trade. Similar powers to be given, if required, to Portuguese Vessels in British South African Possessions.*

ART. XIII.—*Stipulations of Art. I. to apply to all Territories hereafter brought under Portuguese Sovereignty.*

ART. XIV.—*British right af pre-emption in event of abandonment by Portugal of Fort of St. John the Baptist of Ajudá, on the Coast of Mina, or of any rights claimed by Portugal between 5° East and 5° West Long. on the same coast*

[Annex. Mozambique Tariff.]

No. 148.—*CONVENTION between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the King of Portugal and the Algarves with respect to Territories in Africa.* 20*th August*, 1890.*

[Not ratified, but see Note, p. 726.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations, and to settle by common accord certain matters relative to their respective spheres of influence in Africa, have determined to conclude a Convention to that effect, and have named as their respective Plenipotentiaries (that is to say):

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury K.G., Her Majesty's Principal Secretary of State for Foreign Affairs. &c.;

And His Most Faithful Majesty the King of Portugal and the Algarves, August Cesar Barjona de Freitas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c.;

Who, having communicated to each other their respective full powers found in good and due form, have agreed upon the following Articles:—

Art. I. Great Britain agrees to recognize, as within the dominion of Portugal in East Africa, the territories bounded—

Limits of Portuguese Dominions recognised by Great Britain, north of the Zambesi.

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River

* Parliamentary Paper, "Africa, No. 2 (1890-91)." Not ratified, but see Note, p. 726, and Agreement, 14th November, 1890, p. 728.

M'Sinje, and thence westerly along the parallel of latitude to the shore of Lake Nyassa.

2. To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30′ south; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows. Thence in a direct line to the eastern shore of Lake Chilwa, or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shiré. From thence it runs in a direct line to a point half-way between Tété and the Kabra-bassa Rapids.

Zumbo.

The Settlement of Zumbo, with a radius on the northern bank of 10 English miles, remains under the dominion of Portugal, but shall not, without the previous consent of Great Britain, be transferred to any other Power.

South of the Zambesi. Recognition by Portugal of British Sphere of Influence. (See Art. VII.)

Art. II. To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the western extremity of the 10-mile radius of Zumbo, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with the 31st degree of east longitude (Greenwich), thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of east longitude; it follows that degree southwards to its intersection by the 18° 30′ parallel of south latitude; runs along that parallel westward to the affluent of the River Save or Sabi, which is called the River Masheke; follows that affluent, and afterwards the centre of

the main channel of the Save, to the confluence of the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputa.

Non-Cession by Portugal of Territories without consent of Great Britain.

Portugal engages not to cede her territories to the south of the Zambesi to any other Power without the previous consent of Great Britain.*

Extension of Portuguese Sphere of Influence South of Delagoa Bay.

Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongola with the River Maputa to the sea-coast.

Non-Cession by Portugal of above Territory without consent of Great Britain.

Portugal engages that the territory of which the limits are defined in this Article shall not, without the consent of Great Britain, be transferred to any other Power.

Western Line of Division.

ART. IV. It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the junction with that river of the River Kabompo, and thence up the centre of the channel of the Kabompo.

* See also Exchange of Notes, June 1875, p. 697.

Non-cession by Portugal of above Territory without Consent of Great Britain.

The country hereby recognized as Portuguese shall not, without the consent of Great Britain, be transferred to any other Power.

Extension of Portuguese Sphere of Influence.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of the Portuguese sphere of influence beyond the above-mentioned limits.

Limits of British Sphere of Influence north of the Zambesi recognized by Portugal.

ART. V. Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line described in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11° 30′, and to the line described in Article I, with the exception of Zumbo and a radius of 10 English miles round it.

Limits of British Sphere of Influence south of the Zambesi recognized by Portugal.

ART. VI. Portugal agrees to recognize, as within the sphere of influence of Great Britain, to the south of the Zambesi, the territories bounded on the east and north-east by the line described in Article II.

Boundary Lines subject to Ratification.

ART. VII. All the lines of demarcation traced in Articles I to VI shall be subject to rectification by Agreement between the two Powers, in accordance with local requirements.*

* See Treaty, 11th June, 1891, p. 731.

Non-interference with respective Spheres of Influence.

ART. VIII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not in the sphere of the other make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates.

Non-exercise of Sovereign Rights by Companies or Individuals.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Trading and Mineral Concessions and Real Property Rights.

ART. IX. Trading and mineral Concessions, and rights to real property, held by Companies or individuals, subjects of one Power, shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that Concessions must be worked in accordance with local laws and regulations.

Reference of Disputes to Arbitrator.

If a difference of opinion shall arise between the two Governments as to the validity of the Concession, or as to the equitable character or suitability of the above-mentioned local laws and regulations, it shall be settled by the arbitration of a jurisconsult of neutral nationality.

Protection of Missionaries.

ART. X. In all territories in Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection.

Religious Toleration. Schools.

Religious toleration and freedom for all forms of divine worship and religious teaching are guaranteed.

Freedom of Trade and Navigation of Rivers, Lakes, &c.

ART. XI. The two Powers engage that, in their respective spheres, as defined in Articles I to VI, trade shall enjoy complete freedom; the navigation of the lakes, rivers, and canals, and of the ports on those waters, shall be free to both flags;

No different Treatment on Transport or Coasting Trade.

And no differential treatment shall be permitted as regards transport or coasting trade;

Exceptions.

Goods, of whatever origin, shall be subject to no dues except those, not differential in their incidence, which may be levied for objects directly connected with the administration, or the suppression of the Slave Trade under the provisions of the Act of the Brussels Conference, or to meet expenditure in the interest of trade;

No Transit Dues to be levied.

No transit dues shall be permitted;

No Monopolies or Trade Favours.

And no monopoly or favour in matters of trade can be granted.

Freedom of Settlement in respective Spheres.

The subjects of either Power will be at liberty to settle freely in the territories within the respective spheres.

Portuguese Reservations. Free Trade Zone.

Portugal reserves her right to exclude from the operation of the free zone provisions of the Act of Berlin (**No. 17**), and from the provisions of the preceding paragraph, her ports on

the East Coast. She also reserves the right to exclude from the operation of the provisions of the preceding paragraph her ports on the West Coast.

Transit Dues.

She engages, however, not to charge transit dues exceeding a maximum of 3 per cent. on goods passing in transit inwards or outwards between the coast and the British sphere of influence, either by land or water. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods at the above-mentioned ports.

Free Passage of Subjects and Goods.

It is understood that, under the terms of this Article, there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the river for the purpose of such passage, along its whole course, without hindrance of any description and without payment of transit dues.

Construction of Roads, Railways, Bridges, and Telegraph Lines.

It is further understood that within a zone of 20 English miles on the north bank of the Zambesi, Portugal shall have the right to construct roads, railways, bridges, and telegraph lines across the territories reserved to British influence on the north of the Zambesi. Both Powers shall have the same right within a zone of 10 English miles on the south of the Zambesi between Tété and the confluence of the Chobe, and within a zone of the same dimensions running from the north-east of the British sphere south of the Zambesi to the above-mentioned zone. The two Powers shall have the power, in these zones, of acquiring, on reasonable conditions, the land necessary for such objects, and shall receive all other requisite facilities. They shall also be allowed facilities for the construction on the river, between the above-named limits, of piers and landing-places for the purpose of trade or navigation. All materials

for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

Reference of Disputes to Arbitration.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power, who shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power.

*Free Navigation of Zambesi and Shiré.**

ART. XII. The navigation of the Zambesi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

ART. XIII. Merchant ships of the two Powers shall, in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and *vice versâ*, but for the great and small coasting trade, and for the boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers; and no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation. It shall not be exposed to any obligation in regard to landing station or depôt, or for breaking bulk, or for compulsory entry into port. In all the extent of the Zambesi the ships and goods

* Regulations for the Navigation of the Zambesi and Shiré were published in the "Diario" of 22nd June, 1892.

in process of transit on the river shall be submitted to no transit dues, whatever their starting place or destination. No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambesi shall be, in all respects, subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals, only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are, or may be, under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant ships.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Any questions arising out of the provisions of this Article shall be referred to a joint Commission, and, in case of disagreement, to arbitration.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

Lease to a British Company of a Piece of Land at the Mouth of the Chindé.

Portugal will, on application from Great Britain, grant to a Company a lease for 100 years of 10 acres at the mouth of the Chindé, for purposes of transhipment. The ground so leased shall not in any case be fortified.

Freedom of Passage between British Sphere of Influence and Punywé Bay.

ART. XIV. In the interest of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for merchandize of every description, and to give the necessary facilities for the improvement of the means of communication.

Construction of a Railway by Portugal from Pungwé Bay to the Interior.

She undertakes to construct a railway to serve this region within a period fixed by surveys, which shall be completed with the least possible delay. An engineer named by the British Government shall take part in these surveys, which shall commence within a period of four months from the signature of this Convention. In case these conditions should not be precisely carried out, Portugal will grant to a joint Company under the control of Portuguese and British directors, and with seats in Lisbon and London, with the least possible delay, a Concession for the construction of a railway, with all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

Transit Dues.

It is understood that no dues shall be levied at the port of

entry or exit on goods in transit exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

Transit Dues. Limpopo, Save, and other Rivers.

It is further understood that the same provision as to goods in transit applies to the Limpopo, the Save, and all other navigable rivers flowing to the coast of the Portuguese spheres in East or West Africa, with the exception of the Zambesi.

Telegraphic Communications.

ART. XV. Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV as regards the construction of a railway from Pungwé Bay to the interior shall be applicable in all respects to the construction of a telegraph line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details if not arranged by common consent, shall be submitted to the arbitration of experts under the prescribed conditions.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the prescribed conditions.

Submission of Differences to Arbitration.

ART. XVI. All differences not specifically mentioned in the preceding Articles which may arise between the two Governments with regard to this Convention shall be submitted to arbitration.

Ratifications.

ART. XVII. The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at London, the 20th day of August, in the year of Our Lord, 1890.

(L.S.) SALISBURY.
(L.S.) BARJONA DE FREITAS.

Non-ratification of the above Convention.

Angola.

Note.—In September, 1890,† the Portuguese Government were informed that, in the view of the British Government, with the exception of Art. X, §§ 2 and 3, of Art. XI, §§ 2 and 3, and of Art XIV, the provisions of the Convention as regarded the western side of Africa did not apply to the Province of Angola, but only to the territories recognized by Great Britain in that Agreement as being within the Portuguese sphere of influence, and that the limits of the Province of Angola should be taken to be those laid down in Stieler's Atlas (Berlin, 1889).

On the 15th September, the Portuguese Government, presided over by Senhor Serfa Pimental, laid this Convention before the Chamber of Deputies, and introduced a Bill for its ratification, which was referred to a Committee; but, owing to the opposition made to the Convention, the Government resigned, and an interregnum ensued.

On the 6th October, Sir G. Petre, Her Majesty's Minister at Lisbon, was instructed by the Marquis of Salisbury, by telegraph, to inform the Portuguese Minister for Foreign Affairs that if the Portuguese Government should allow the Session to close without applying for the ratification of the Convention, Her Majesty's Government would not consider themselves

* This Convention was not ratified; but see Treaty, 11th June, 1891, p. 731.
† Par. Paper, "Africa, No. 2 (1890-91)."

bound by the signature of it; and Sir G. Petre made a communication to this effect to the Portuguese Government. On the 24th of the same month a Despatch was addressed by the new Portuguese Minister for Foreign Affairs (Senhor du Bocage) to Senhor Soveral, the Portuguese Chargé d'Affairs in London, in which he said: "The abandonment of the Treaty is therefore, *un fait accompli*, as far as the British Government is concerned, arising out of the fact of the late Cabinet having quitted office without having fulfilled their promise of submitting it to a Parliamentary vote;" and it was added: "I accept the abandonment of the Treaty as a *fait accompli*." But, on the 14th November, 1890, an Agreement was signed between the two countries, by Article IV of which they engaged to recognize the territorial limits indicated in the Convention of 20th August, 1890, in so far that from the date of the Agreement of 14th November, 1890, till its termination, neither Party would make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other Party by that Agreement (**No. 149**).

No. 149.—*AGREEMENT between Great Britain and Portugal, recording a* Modus vivendi *respecting the Spheres of Action of the two Countries in Africa. Navigation of the Zambesi and Shiré Rivers, &c. London, 14th November,* 1890.*

THE Undersigned, duly authorized to that effect by their respective Governments, have agreed as follows:—

Free Navigation of the Zambesi and Shiré Rivers.

I. The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages to decree at once the freedom of navigation of the Zambesi and of the Shiré.

Freedom of Transit over Waterways of the Zambesi, Shiré, and Pungwé, also over Landways between those Rivers.

II. The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages also to permit and to facilitate transit over the waterways of the Zambesi, the Shiré, and the Pungwé, and also over the landways which supply means of communication where these rivers are not navigable.

Communications between Portuguese Ports on the Coast and the British Sphere of Influence.

III. The Government of His Most Faithful Majesty the King of Portugal and the Algarves further engages to facilitate communications between the Portuguese ports on the coast and the territories included in the sphere of action of Great Britain, especially as regards the establishment of postal and telegraphic communications, and as regards the transport service.

* Signed also in the Portuguese language. Parliamentary Paper, "Africa, No. 2 (1890–91)." See Treaty, 11th June, 1891, p. 731.

Recognition of Territorial Agreement of 20th August, 1890.

IV. The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Most Faithful Majesty the King of Portugal and the Algarves, engage to recognise the territorial limits indicated in the Convention of the 20th August, 1890 (**No. 148**), in so far that from the date of the present Agreement to the termination thereof neither Power will make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other party by the said Convention.

But neither Power will thereby be held to prejudge any question whatever which may arise as to the said territorial limits in the course of the ulterior negotiations.

V. The present Agreement shall come into operation from the date of its signature, and shall remain in force for a period of six months.

Done at London, the 14th day of November, 1890.

(L.S.) SALISBURY.
(L.S.) LUIZ DE SOVERAL.

On the 18th November, 1890, two Portuguese Decrees were issued, from which the following extracts are given, one granting the right of transit for merchandise from Pungwé to the sphere of British influence on payment of a 3 per cent. *ad valorem* duty; and the other granting free navigation of the Zambesi and Shiré to the vessels of all nations:—

(1.) *Transit of Merchandise from Pungwé to the Sphere of British Influence on Payment of a 3 per cent.* ad valorem *Duty.*

"ART. 1. The transit, as provided in Article 70 of the Decree of the 30th July, 1877, of merchandise consigned, either by land or by the waterways, to the foreign territories adjoining the Portuguese territory on the north or south, or to the regions situated beyond the confluence of the Rivers Zambesi and Shiré, through the Custom-houses of the Province of Mozambique, mentioned in Article 11 of that Decree, is hereby

allowed to be carried on under the same conditions between the port of Beira (Pungwé Bay) and the sphere of British influence.

"ART. 2. Custom-houses or Customs stations will be established at Beira and at any points on the internal frontier of the Province of Mozambique where they may be required for the purpose of carrying the preceding Article into effect; the Governor-General of the Province will submit to the Government the list of the Customs officials required in the said Custom-houses.

"ART. 3. Any Laws in opposition thereto are hereby revoked."

(2.) *Free Navigation of the Rivers Zambesi and Shiré.**

ART. 1. The navigation of the Rivers Zambesi and Shiré, in so far as they are under the sovereignty, protectorate, or influence of Portugal, is free for the vessels of all nations, in accordance with the principles which the Governments of France and Great Britain agreed to establish on the Niger, in virtue of the General Act of the Conference of Berlin in 1885 (No. 17).

ART. 2. The Governor-General of the Province of Mozambique will submit the necessary Regulations for the safety and police supervision of the said navigation, which Regulations must be drawn up in the sense of facilitating the passage of merchant vessels.

ART. 3. Any Laws in opposition thereto are hereby revoked.

* Regulations respecting the navigation of the Zambesi and Shiré were published in the "Diario" of 22nd June, 1892.

No. 150.—*TREATY between Her Britannic Majesty and His Majesty the King of Portugal, defining their respective Spheres of Influence in Africa. Lisbon, 11th June, 1891.**

[*Ratifications exchanged at London, 3rd July*, 1891.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and Algarves, &c., &c., &c., with a view to settle definitively the boundaries of their respective spheres of influence in Africa, and being animated with the desire to confirm the friendly relations between the two Powers, have determined to conclude a Treaty to this effect, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdon of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, K.C.M.G., C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c.; and

His Most Faithful Majesty the King of Portugal and Algarves, Joaquim Thomaz Lobo d'Avila, Count of Valbom, Councillor of His Majesty and of State, Peer of the Realm, Grand Cross of various Orders, &c., His Majesty's Minister and Secretary of State for Foreign Affairs, &c.;

Who, having communicated to each other their respective full powers, found in good and due order, have agreed upon and concluded the following Articles:—

Territories within Portuguese Dominions North of the Zambesi.

Art. I. Great Britain agrees to recognize as within the dominion of Portugal in East Africa the territories bounded—

* The Draft of this Treaty was drawn up in London in the English language only and initialled by the Marquis of Salisbury and M. de Soveral, but it was signed at Lisbon, in the English and Portuguese languages, the British Minister signing the English version, and the Portuguese Minister for Foreign Affairs the Portuguese version. See also Agreement of May and June, 1893, p. 743.

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude of the confluence of these rivers to the shore of Lake Nyassa.

2.* To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30' south; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows. Thence it runs in a direct line to the eastern shore of Lake Chilwa or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shiré.

From the confluence of the Ruo and Shiré the boundary will follow the centre of the channel of the latter river to a point just below Chiwanga. Thence it runs due westward until it reaches the watershed between the Zambesi and the Shiré, and follows the watershed between those rivers and afterwards between the former river and Lake Nyassa until it reaches parallel 14° of south latitude.

From thence it runs in a south-westerly direction to the point where south latitude 15° meets the River Aroangwa or Loangwa, and follows the mid-channel of that river to its junction with the Zambesi.

Territories within Portuguese Sphere of Influence South of the Zambesi.

ART. II.† To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the mouth of the River Aroangwa or Loangwa, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with

* See Agreement, May—June, 1893, Article I, p. 743.
† See ditto, Article III, p. 744.

the 31st degree of longitude east of Greenwich, thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of longitude east of Greenwich; it follows that degree southward to its intersection by the 18° 30′ parallel of south latitude; thence it follows the upper part of the eastern slope of the Manica plateau southwards to the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

It is understood that in tracing the frontier along the slope of the plateau, no territory west of longitude 32° 30′ east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere.

Mutassa, British; Massi-Kessi, Portuguese.

The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere.

Portuguese Sphere of Influence South of Delagoa Bay.

ART. III. Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongolo with the River Maputo to the sea-coast.

Central Africa.

ART. IV.* It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

* See Agreement, May—June, 1893, Art. 5, p. 744.

Barotse Kingdom within British Sphere.

That territory shall remain within the British sphere; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power, in case of difference of opinion, to appoint an Umpire.

Rights of other States.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese administration outside of the limits of the Barotse country.

North of the Zambesi. Territories within British Sphere. Lake Nyassa, &c.

ART. V. Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line to be settled by the Joint Commission mentioned in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11° 30′ south latitude, and to the territories reserved to Portugal by the line described in Article I.

South of the Zambesi. Territories within British Sphere of Influence.

ART. VI. Portugal agrees to recognize, as within the sphere of influence of Great Britain to the south of the Zambesi, the territories bounded on the east and north-east by the line described in Article II.

Lines of Demarcation subject to Rectification.

ART. VII. All the lines of demarcation traced in Articles I to VI shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

South of the Zambesi. Mutual Rights of Pre-emption in event of Cessions.

The two Powers agree that in the event of one of them proposing to part with any of the territories to the south of the Zambesi assigned by these Articles to their respective spheres of influence, the other shall be recognized as possessing a preferential right to the territories in question, or any portion of them, upon terms similar to those proposed.

Non-acceptance of Sovereign Rights or Protectorates in respective Spheres of Influence.

ART. VIII. The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights or Protectorates. It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

Commercial and Mineral Concessions. Real Property.

ART. IX. Commercial or mineral Concessions and rights to real property possessed by Companies or individuals belonging to either Power shall, if their validity is duly proved, be recognized in the sphere of the other Power. For deciding on the validity of mineral Concessions given by the legitimate authority within 30 miles of either side of the frontier south of the Zambesi, a Tribunal of Arbitration is to be named by common agreement.

It is understood that such Concessions must be worked according to local regulations and laws.

Missionaries, Religious Toleration, &c.

ART. X. In all territories in East and Central Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of Divine worship and religious teaching are guaranteed.

Transit of Goods and Transit Duty.

ART. XI. The transit of goods across Portuguese territories situated between the East Coast and the British sphere shall not, for a period of 25 years from the ratification of this Convention, be subjected to duties in excess of 3 per cent. for imports or for exports. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods in the above-mentioned territories.

Her Majesty's Government shall have the option, within 5 years from the date of the signature of this Agreement, to claim freedom of transit for the remainder of the period of 25 years on payment of a sum capitalizing the annual duties for that period at the rate of 30,000*l.* a year.

Coin and Precious Metals.

Coin and precious metals of all descriptions shall be imported and exported to and from the British sphere free of transit duty.

Passage of Subjects across the Zambesi and Neighbouring Districts.

It is understood that there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the left bank of the river situated above the confluence of the Shiré, and those adjoining the right bank of the Zambesi situated above the confluence of the River Luenha (Ruenga), without hindrance of any description and without payment of transit dues.

Construction of Roads, Railways, Bridges, and Telegraph Lines.

It is further understood that in the above-named districts each Power shall have the right, so far as may be reasonably required for the purpose of communication between territories under the influence of the same Power, to construct roads, railways, bridges, and telegraph lines across the district reserved to the other. The two Powers shall have the right of acquiring in these districts on reasonable conditions the land

necessary for such objects, and shall receive all other requisite facilities. Portugal shall have the same rights in the British territory on the banks of the Shiré and in the British territory comprised between the Portuguese territory and the banks of Lake Nyassa. Any railway so constructed by one Power on the territory of the other shall be subject to local Regulations and Laws agreed upon between the two Governments, and, in case of differences of opinion, subject to arbitration as hereinafter mentioned.

Construction of Piers and Landing Places on Rivers.

The two Powers shall also be allowed facilities for constructing on the rivers within the above districts piers and landing places for the purpose of trade and navigation.

Submission of Differences to Arbitration.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power. These experts shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If the two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power to be named by the two Governments.

All materials for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

Free Navigation of Zambesi and Shiré.

ART. XII. The navigation of the Zambesi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

Transit over Waterways of the Zambesi, Shiré, Pungwé, Busi, Limpopo, Sabi, &c.

The Portuguese Government engages to permit and to facilitate transit for all persons and goods of every description

over the waterways of the Zambesi, the Shiré, the Pungwé, the Busi, the Limpopo, the Sabi, and their tributaries.

Transit over Landways.

And also over the landways which supply means of communication where these rivers are not navigable.

Navigation of Zambesi. National Treatment. Coasting Trade.

ART. XIII. Merchant-ships of the two Powers shall in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and *vice versâ*, but for the great and small coasting trade, and for boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers;

No Exclusive Privileges to be granted.

And no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

No Restrictions to be imposed.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation.

Depôts, &c.

It shall not be exposed to any obligation in regard to landing-station or depôt, or for breaking bulk, or for compulsory entry into port.

No Transit Dues to be levied.

In all the extent of the Zambesi the ships and goods in

process of transit on the river shall be submitted to no transit dues, whatever their starting-place or destination.

Nor Maritime or River Toll.

No maritime or river toll shall be levied based on the sole fact of navigation;

Nor Tax on Goods.

Nor tax on goods on board of ships.

Taxes or Duties necessary to Navigation alone to be levied.

There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

Affluents of the Zambesi.

The affluents of the Zambesi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Waters of the Zambesi, &c., under Portuguese influence.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. The

rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships.

Waters of the Zambesi, &c., under British influence.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence.

Disputes to be referred to a Joint Commission or to Arbitration.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and, in case of disagreement, to arbitration.

Above System may be altered by mutual consent.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

Freedom of passage between British Sphere of Influence and Pungwé Bay.

ART. XIV. In the interests of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for all merchandize of every description, and to give the necessary facilities for the improvement of the means of communication.

Portuguese Government to construct Railway between Pungwé and British Sphere.

The Portuguese Government agrees to construct a railway between Pungwé and the British sphere. The survey of this line shall be completed within six months, and the two Governments shall agree as to the time within which the railway shall

be commenced and completed. If an agreement is not arrived at, the Portuguese Government will give the construction of the railway to a Company which shall be designated by a neutral Power, to be selected by the two Governments, as being in its judgment competent to undertake the work immediately. The said Company shall have all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

Portuguese Government to construct Road from Pungwe to British Sphere.

The Portuguese Government shall either itself construct or shall procure the construction of a road from the highest navigable point of the Pungwe, or other river which may be agreed upon as more suitable for traffic, to the British sphere;

Landing-places in Pungwe Bay.

And shall construct or procure the construction in Pungwe Bay and on the river of the necessary landing-places.

No Transit Dues to be levied.

It is understood that no dues shall be levied on goods in transit by the river, the road, or the railway exceeding the maximum of 3 per cent. under the conditions stipulated in Article XI.

Telegraphic Communication.

ART. XV. Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV, as regards the construction of a railway from Pungwe Bay to the interior, shall be applicable in all respects to the construction of a telegraph line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent, shall be submitted

to the arbitration of experts under the conditions prescribed in Article XI.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which service shall be open to the use of the subjects of the two Powers without any differential treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through-tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the conditions prescribed in Article XI.

Convention to be Ratified.

ART. XVI. The present Convention shall be ratified, and the ratifications shall be exchanged at Lisbon or London as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in duplicate at Lisbon, the 11th day of June, in the year of Our Lord 1891.

(L.S.) GEORGE G. PETRE.
(L.S.) CONDE DE VALBOM.

* Ratifications exchanged at London, 3rd July, 1891.

No. 151.—*AGREEMENT between Great Britain and Portugal relative to Spheres of Influence north of the Zambesi. May—June*, 1893.

(1.) *The Earl of Rosebery to M. de Soveral.*

M. le Ministre, *Foreign Office*, 31*st May*, 1893.

In compliance with the desire of the Portuguese Government that a formal exchange of notes should take place recording the understanding come to between the two Governments in the early part of 1892 for a *modus vivendi* pending the delimitation of the boundaries of the British and Portuguese spheres of influence north of the Zambesi, under the Treaty of the 11th June, 1891 (**No. 150**), I have the honour to submit the following draft of Articles, which Her Majesty's Government trust will be found to meet the purpose:—

Natural Lines of Demarcation.

"Art. I. Pending actual delimitation, all natural lines of demarcation specified in sub-head 2, Article I, of the Anglo-Portuguese Treaty of the 11th June, 1891 (**No. 150**), shall be considered for all purposes as constituting the boundaries between the British and Portuguese spheres of influence in all localities in which there can be no doubt as to their coinciding with the line described in the above-mentioned sub-head.

"The natural lines of demarcation above referred to are as follows:—

"The eastern shore of Lake Chinta.

"The eastern shore of Lake Chilwa, or Shirwa.

"The easternmost affluent of the River Ruo.

"The River Ruo below the confluence of its easternmost affluent to its junction with the River Shiré.

"The River Shiré between the point where the River Ruo flows into it and a point situated just below Chiwanga.

"The watershed between Lake Nyassa and the River Zambest south of latitude 14° south.

[Spheres of Influence North of the Zambesi.]

"The River Aroangwa, or Loangwa, south of latitude 15° south to its junction with the River Zambesi.

"ART. II. Pending the exact determination of the point where latitude 13° 30′ south cuts the eastern shore of Lake Nyassa, Padimba, and Makanjira, and the shore south of those places, shall be recognized as being within the British sphere of influence; and similarly the eastern shore of the lake north of the River Lomazi, and as far as the point where it is intersected by the line described in sub-head 1, Article I, of the Treaty of the 11th of June, 1891 (**No. 150**), shall be recognized as being within the Portuguese sphere of influence.

River Shiré. Point just below Chiwanga.

"ART. III. Pending a definite agreement, the post erected as a boundary beacon by Mr. Johnston on the right bank of the River Shiré shall be intersected provisionally as the 'point just below Chiwanga,' mentioned in Article I of the Anglo-Portuguese Convention (**No. 150**); and a line traced by the Portuguese authorities from that point due west to the watershed between the Shiré and the Zambesi shall be similarly accepted as a temporary boundary between the British and Portuguese spheres of influence.

Islands of Lake Nyassa.

"ART. IV. The Islands of Chisamulu and Lukomo, or Dikomo, and all other Islands of Lake Nyassa further to the south, shall be recognized as being within the British sphere of influence.

Central Africa.

"ART. V. Pending the delimitation of a boundary line as laid down in Article IV of the Treaty of the 11th June, 1891, (**No. 150**), the line formed by the course of the Zambesi from the cataracts at Katima up to its confluence with the Cabompo River, and thence by the course of the Cabompo, shall be the provisional boundary between the respective spheres of influence in that region, and the provisions of Article VIII of the Treaty above referred to shall be applicable to the territories separated by the

said provisional boundary until a definitive boundary shall have been substituted in its stead.

Course to be pursued where Boundary Line is Doubtful.

"ART. VI. Wherever, previous to delimitation, the actual course of the boundary line described in sub-head 2, Article I, of the Anglo-Portuguese Treaty (**No. 150**) appears to be doubtful, neither the Government of Great Britain nor that of Portugal shall make acquisitions, conclude Treaties, or accept sovereign rights in territories which after delimitation are likely to be proved to be within the sphere of influence of the other; and either of them will recognize, nor lead to suppose that the other will recognize, any rights of whatever nature which the subjects of the one may claim to have acquired in such territories subsequently to the 11th June, 1891 (**No. 150**), either by means of Treaties with the natives, or any other title.

Mutual Abrogation of Concessions. Demarcation of Boundary in Sections.

"ART. VII. As soon as the definitive demarcation of the boundary, or of any section of it, is completed, there shall cease, in territories which, in virtue of such demarcation, become subject to the sovereignty, protection, or influence of one of the two Powers, all acts of jurisdiction or government by the officials, and all occupations by the military or police forces of the other Power or its Concessionnaires; and there shall lapse, *ipso facto*, all Concessions which the latter may have made to individuals, and all rights to property, usufruct, or exploration which its subjects or dependents may claim to have acquired in those territories subsequently to the 11th June, 1891 (**No. 150**).

Occupations, Concessions, &c., since 11th June, 1891.

"ART. VIII. Acts of occupation or jurisdiction performed by the officials or Concessionnaires of one of the two Powers subsequently to the 11th June, 1891 (**No. 150**), and Concessions or proprietary rights of whatever nature which the subjects or dependants of that Power may claim to have acquired since that date in territory which, after demarcation, proves to be within

the sphere of influence of the other, shall in no case be used as a motive for demanding the rectification of the boundary under the provisions of Article VII of the Anglo-Portuguese Treaty (**No. 150**).

Rights of Occupation, Passage, or Jurisdiction.

"ART. IX. In all questions between the military or police forces of the two Powers as to rights of occupation, passage, or jurisdiction, which may arise in consequence of the demarcation of the boundary being incomplete, the local officials of the two Powers shall try to come to an understanding, failing which the matter in dispute shall be referred for the decision of such persons as may be appointed for the purposes of this Article, and by them, if necessary, to their respective Governments.

No Coercive Measures to be adopted.

"It shall be clearly understood that, pending such decision, no coercive measures whatsoever shall be adopted, and that should force be used, notwithstanding the provisions of this Article, by the military or police forces of either of the Powers, the Government of the other shall be entitled to demand redress.

Nyasaland, Loangwa, and Barotze Territories. Modus Vivendi *accepted without Prejudice*

"ART. X. Neither in the Nyasaland, nor in the Loangwa, nor in the Barotze territories shall the *modus vivendi* be held as prejudging in any way the ultimate territorial rights of Great Britain or of Portugal.

Duration of Modus Vivendi *till 1st July*, 1896.

"ART. XI. The *modus vivendi* shall continue in force till the 1st July, 1896. After that date, it may be denounced by either Government with three months' notice, the work of delimitation to begin before the expiration of the three months.

"The *modus vivendi* shall not interfere with, or be vitiated

by, any delimitation which it may be found possible, during its continuance, to carry out of any portion or portions of the frontier-line."

I should esteem it a favour if you would notify to me the consent of your Government to these Articles, if accepted by them, and on the receipt of a communication to that effect, Her Majesty's Government will consider the said exchange of notes as an agreement between the two Governments.

I have, &c.,
ROSEBERY.

(2.) *M. de Soveral to the Earl of Rosebery.*

(Translation.)

My Lord, *London, 5th June*, 1893.

In reply to the note which your Excellency was good enough to address to me on the 31st ultimo, I have the honour to inform you that the King's Government authorizes me to accept the terms of the *modus vivendi* as contained in the said note.

I have, &c.,
LUIZ DE SOVERAL.

GREAT BRITAIN AND SOUTH AFRICAN REPUBLIC

(TRANSVAAL).

(See SOUTH AFRICAN REPUBLIC.)

GREAT BRITAIN AND ZANZIBAR.

GREAT BRITAIN AND ZANZIBAR.

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17 Dec., 1888.	Order in Council. Government of British Subjects and British Protected Persons	xviii.	1197
2 March, 1889.	Order in Council. Right to prohibit British Subjects or British Protected Persons from being in Zanzibar, and to make Order of Deportation	xviii.	1199
5 March, 1890.	Order in Council. Indian Contract and Limitation Acts	xviii.	1201
1 Aug., 1890.	Decree. Sultan of Zanzibar against Slavery and the Slave Trade	xviii.	1202
16 March, 1892.	Order in Council. Performance of Judicial Powers by other than Consular Officer. Appointment of Judges	"Lon. Gaz.," 18 Mar., 1892.	

No. 152.—*TREATY between Great Britain and Zanzibar, relating to Consular Jurisdiction, &c. Signed at Zanzibar, 30th April, 1886.**

ART. I.—*Peace and Friendship.*

ART. II.—*Commerce, Shipping, Trade, &c. Most-favoured-nation Treatment.*

ART. III.—*Appointment of Consular Officers. Protection, &c. Most-favoured-nation Treatment.*

ART. IV.—*Commerce and Navigation. Access to Ports. Right to travel, reside and trade in respective Dominions. Prohibition against Monopolies.*

ART. V.—*Acquisition of, and succession to Property, Wills, &c.*

ART. VI.—*Regulations. Customs, and other Dues in Zanzibar.*

ART. VII.—*5 per cent. Duty to be levied on Imports. Duty on Spirituous Liquors. Exemption of certain goods, &c., from Payment of Duty.*

ART. VIII.—*Special Duty may be levied on certain articles exported from Zanzibar.*

ART. IX.—*Special Duty to be levied in lieu of Monopoly Rights. Monopoly Taxes abolished.*

ART. X.—*Shipping, Harbour, and Tonnage Dues.*

ART. XI.—*Payment of Duties in cash or in kind.*

ART. XII.—*Movement of Goods in Transit. Erection of Customs House at Zanzibar.*

ART. XIII.—*Vessels in Distress. Shipwrecked Vessels.*

ART. XIV.—*Arrest and Surrender of Deserters from Ships of War and Merchant Vessels.*

ART. XV.—*Punishment for False Declaration as to Goods.*

British Rights of Exterritoriality in Zanzibar. Civil and Criminal Jurisdiction.

ART. XVI.† Subjects of Her Britannic Majesty shall, as regards their person and property, enjoy within the dominions

* H. T., xvii, p. 1114; S. P., vol. lxxvii, pp. 54, 63.

† See Declarations, 2nd February, 1891, and 16th December, 1892, pp. 767, 768; and List of Orders in Council, 1866—1893, p. 750.

of His Highness the Sultan of Zanzibar the rights of exterritoriality.

The authorities of His Highness the Sultan have no right to interfere in disputes between subjects of Her Britannic Majesty amongst themselves, or between them and members of other Christian nations, such questions, whether of a civil or criminal nature, shall be decided by the competent Consular authorities. The trial and also the punishment of all offences and crimes of which British subjects may be accused within the dominions of His Highness the Sultan, also the hearing and settlement of all civil questions, claims, or disputes in which they are the defendants is expressly reserved to the British Consular authorities and Courts, and removed from the jurisdiction of His Highness the Sultan.

Should disputes arise between a subject of His Highness the Sultan, or other non-Christian Power not represented by Consuls at Zanzibar, and a subject of Her Britannic Majesty, in which the British subject is the plaintiff or the complainant, the matter shall be brought before and decided by the highest authority of the Sultan, or some person specially delegated by him for this purpose. The proceedings and final decision in such a case shall not, however, be considered legal unless notice has been given and an opportunity afforded for the British Consul or his substitute to attend at the hearing and final decision

*British Protected Persons.**

ART. XVII. Subjects of His Highness the Sultan or any non-Christian nation not represented by Consuls at Zanzibar, who are in the regular service of British subjects, within the dominions of His Highness the Sultan of Zanzibar, shall enjoy the same protection as British subjects themselves. Should they be charged with having committed a crime or serious offence punishable by law, they shall, on sufficient evidence being shown to justify further proceedings, be handed over by their British employers or by order of the British Consuls to the authorities of His Highness the Sultan for trial and punishment.

* See also Order in Council, 17th July, 1893, p. 769.

[Consular Jurisdiction, &c.]

ART. XVIII.—*Bankrupts.*

ART. XIX.—*Recovery of Debts.*

ART. XX.—*Intestate Property. Interference of British Consul.*

ART. XXI.—*Inviolability of Dwellings of British Subjects and others.*

ART. XXII.—*Local Taxation in districts or towns.*

ART. XXIII.—*Religious Liberty. Protection of Missionaries, Scientists, and Explorers.*

ART. XXIV.—*Application of Treaty to certain British Colonies.*

ART. XXV.—*Signature of Treaty in duplicate. Date of Commencement.*

ART. XXVI. *Duration of Treaty. For* 15 *years, from 7th August*, 1886. *May then be revised.*

ART. XXVII.—*Ratifications.*

[TARIFF.]

Explanatory Note. Import Duties.

Produce of Estates held by British Subjects.

[Limits of Sultan's Dominions. Islands of Zanzibar, Pemba, Lamu, and Mafia, &c.]

No. 153.—*AGREEMENT between Great Britain and Zanzibar, defining the limits of the Sultan's Dominions; Spheres of Influence of Great Britain and Germany, &c. Zanzibar, $\frac{3rd}{4th}$ December*, 1886.

(1) *Acting British Consul-General Holmwood to the Sultan of Zanzibar.*

Extent of Territory belonging to Sultan of Zanzibar.

Sir, *Zanzibar, December*, 3, 1886.

I am instructed by Her Majesty's Government to communicate to your Highness the particulars of an Agreement which has been entered into between the Governments of Great Britain and Germany* for the purpose of delimitating the extent of the territory which they are prepared to recognize as under your Highness' sovereignty, and of defining on a mutual understanding the general basis upon which thay may best extend their influence for the development of commerce and civilization in the interior of Eastern Tropical Africa.

Islands of Zanzibar, Pemba, Lamu, and Mafia.

1. Great Britain and Germany recognize the sovereignty of your Highness over the Islands of Zanzibar and Pemba, and the smaller islands within a radius of 12 nautical miles round those two islands, as well as over the Islands of Lamu and Mafia.

Zanzibar Limits on Mainland.

On the mainland they recognize a continuous line of coast from the Minengani River at the head of Tungi Bay to Kipini; the line commencing on the south at the mouth of the Minen-

* See Procès-Verbal between Delegates of Great Britain, France, and Germany, of 9th June, 1886 (Great Britain and Germany, p. 605; Agreement between Great Britain and Germany, of $\frac{29th\ Oct.,}{1st\ Nov.,}$ 1886, p. 615); and Declaration of Adhesion of Sultan of Zanzibar to Anglo-German Agreement of October—November, 1886, of 4th December, 1886, p. 622.

gani River, follows that river for 5 nautical miles, and continues thence on the line of latitude to the point where that line strikes the right bank of the Rovuma River, crossing the Rovuma and running down its left bank. The line has thence an internal depth of 10 nautical miles from the coast, measured direct into the interior from high-water mark.

*Kau. Kismayu, Brawa, Meurka, Magadisho, and Washeik.**

The northern limit includes Kau. To the north of Kipini they recognize the stations of Kismayu, Brawa, Meurka, and Magadisho, with radii of 10 nautical miles, and of Washeik, with a radius of 5 nautical miles.

Proposed Lease of Customs at Dar-es-Salaam and Pangani to the German African Company.

2. Great Britain supports the wish of Germany that your Highness should lease to the German African Company the Customs duties at the ports of Dar-es-Salaam and Pangani in return for an annual payment by the Company, calculated on a percentage of the revenue collected, on a sliding scale.†

Spheres of Influence of Great Britain and Germany.

3. The two Powers agree to a delimitation of their respective spheres of influence on this portion of the East Coast of Africa as follows:—

Rovuma River to Tana River on Coast, and Limits Inland.

The territory to which the Arrangement applies is bounded on the south by the Rovuma River, and on the north by a line drawn from the mouth of the Tana River, following that river or its affluents to the point of intersection of the Equator and the 38th degree of east longitude, thence striking diagonally to the point of intersection of the 1st degree of north latitude with the 37th degree of east longitude, where it terminates.

* On the 3rd August, 1889, an Agreement was signed between Italy and the British East Africa Company, providing for the eventual concession of these Districts to the Company, to be administered by them in the Sultan's name (see British East Africa Company and Italy, p. 137). See also Deed of Transfer, 18th November, 1889, p. 142.

† Agreed to by Sultan of Zanzibar, 4th December, 1886, § 2. See p. 758.

Wanga or Umbe River to Lake Victoria Nyanza.

The line of demarcation starts from the mouth of the River Wanga, or Umbe, runs direct to lake Jipé, passes along the eastern side and round the northern side of the lake, and crosses the Lumi River, after which it passes midway between the territories of Taveita and Chagga, skirts the northern base of the Kilimanjaro range, and thence is drawn diagonally to the point on the eastern side of Lake Victoria Nyanza where the 1st degree of south latitude strikes the lake.

The sphere of action of Great Britain lies to the north of this line of demarcation, and that of Germany to the south.

No Acquisition of Territory to be made by Sultan of Zanzibar within British Sphere of Influence.

Her Majesty's Government request that your Highness will acknowledge it as an obligation to respect the territories which have been by the foregoing Agreement reserved to British interests, and that your Highness will make no acquisitions in this region unless with the approval of Her Majesty's Government.

Proposed Withdrawal of Zanzibar Claim to Sovereignty in Kilimanjaro District.

4. Great Britain supports the wish of Germany that your Highness should withdraw, by means of an official declaration, your claims to sovereignty in the Kilimanjaro district, which your Highness has never exercised, and should make the fact known in writing to the Chiefs of that district.*

Coast-line of Witu.†

5. The two Powers recognize the coast-line of Witu as commencing to the north of Kipini, and continuing to the northern extremity of Manda Bay.

* See Sultan's Reply, 4th December, 1886, § 5, p. 759. See also Agreement, Great Britain and Germany, 25th July, 1893, respecting Kilimanjaro District, p. 656.

† Witu was placed under British Protection, 19th November, 1890. See Great Britain, Africa (East Coast), p. 327.

[Limits of Sultan's Dominions. Zanzibar, Pemba, Lamu, Mafia. Islands of Kau, &c.]

Her Majesty's Government trust that your Highness will recognize the friendly spirit in which this Agreement has been arrived at, and that by a ready adhesion to its terms, your Highness will assist in bringing about the satisfactory solution of questions which cannot otherwise fail to jeopardize the interests of the Sultanate.

I have, &c.,

FREDC. HOLMWOOD.

(2.) *The Sultan of Zanzibar to Acting Consul-General Holmwood.*

(Translation.)

(After compliments.) *4th December*, 1886.

We have received your letter dated the 3rd December, and at the same time we received a letter from the Consul-General of the German Government, and we have understood them both as follows:—

Islands of Zanzibar, Pemba, Lamu, Mafia.

1. Great Britain and Germany have agreed to recognize our Sultanate over the Islands of Zanzibar, Pemba, Lamu, Mafia, and all the islands on the coast.

Zanzibar limits on Mainland.

They recognize our Sultanate over a continuous line of coast from the River Minengani, at the head of Tungi Bay, on the south, up to Kipini on the north; and the said line commences from the mouth of the Minengani River, and follows the said river for five nautical miles, thence following the line of latitude till the said line strikes the right side of the Rovuma River, and crossing the said river, runs down its left bank, from thence the line follows the coast with a breadth inland of 10 nautical miles from high-water mark.

Kau.

And the limit to the north includes Kau.

[Limits of Sultan's Dominions. Kismayu, Brava, Meurka, Magadisho, and Washeikh, Dar-es-Salaam, Pangani, &c.]

Kismayu, Brava, Meurka, Magadisho, and Washeik.*

To the north of Kipini the Governments recognize as belonging to us the places Kismayu, Brava, Meurka, and Magadisho, with a radius of 10 miles each, and Washeik, with a radius of five miles.† .

Proposed Lease of Customs at Dar-es-Salaam and Pangani to the German African Company.

2. We agree to accept the demand of Germany to lease to the German African Company the Customs of Dar-es-Salaam and Pangani, the Company having to pay annually a rent calculated on a percentage of the revenue collected, on a sliding scale, as will be afterwards agreed.

Delimitation of British and German Spheres of Influence.

3. The Governments have agreed to deliminate the following countries, viz.,

Rovuma River to Tana River on Coast, and Limits Inland.

The whole territory bounded on the south by the Rovuma River, and on the north by a line commencing from the Tana River, following the said river or its affluents up to the point where the equator meets the 38th degree of east longitude, whence it goes diagonally to the point where the 1st degree of north latitude cuts the 37th degree east longitude, where it ends.

* See Agreement between British East Africa Company and Italy, of 3rd August, 1889, for the joint occupation of Kismayu (§ 3), p. 138. See also Deed of Transfer, 18th November, 1889, p. 142, and Declaration of British Protectorate over Zanzibar dominions, excepting the territory lying to the south of River Umba, Mafia Island, and the Districts of Brava, Meurka, Magadisho, and Warsheik, 4th November, 1890, p. 766.

† On the 3rd August, 1889, an Agreement was signed between Italy and the British East Africa Company, providing for the eventual concession of these Districts to the Company, to be administered by them in the Sultan's name. (See British East Africa Company and Italy, p. 137. See also Deed of Transfer, 18th November, 1889, p. 142.)

Wanga or Umbe River to Lake Victoria Nyanza.

This territory is divided between the Powers of Great Britain and Germany, by a line drawn from the mouth of the River Wanga or Umbe direct to Lake Jipé, passing along its eastern and around its northern shore it crosses the River Lumi, and passes midway between Taveita and Chagga, and round the north side of Kilimanjaro Mountains, and thence runs diagonally to the east shore of Lake Victoria Nyanza, to the place where the 1st degree south latitude strikes the lake. And seeing what they have agreed as to these places which are to be under the influence of Great Britain and Germany, we will not put our hand towards acquiring any fresh place in them without the consent of the two Governments.

Withdrawal of Zanzibar Protection from Kilimanjaro District.

4. We agree to remove our protection from the district of Kilimanjaro, and will make an official declaration on the subject to the Chiefs.*

Coast-line of Witu.†

5. Great Britain, Germany,‡ and we recognize that the coast-line of Witu stretches from the north of Kipini to the north of Manda Bay, and we will remove all our officials from this piece of coast.

* See § 4, p. 756.

† Witu was placed under British Protection 19th November, 1890. See Great Britain, Africa (East Coast), p. 327.

‡ See Agreement, Great Britain and Germany, Oct.—Nov., 1886 § 5, p. 617.

[Lease of Sultan's Possessions to British East Africa Company. Kipini to Mruti (except Witu), Lamu, Manda, Patta, Kiwhyu, &c., Kismayu, Brava, Meurka, Magadisho, Warsheikh, &c.]

No. 154.—*AGREEMENT between the Sultan of Zanzibar and British Acting Agent and Consul-General, respecting the Administration by the British East Africa Company of certain of His Highness' Possessions on the Mainland and Islands lying off the Coast. Zanzibar, 31st August,* 1889.*

His Highness Seyyid Khalifa-bin-Saïd, with the concurrence of the English Government, hereby grants a lease of his Possessions to the Imperial British East Africa Company on the following conditions:—

Sultan's Possessions and Islands, &c., to be administered by the Company. Kipini to Mruti, except Witu.

Art. I. His Highness hands over to the Imperial British East Africa Company all his towns, lands, and Possessions on the mainland from Kipini to Mruti, or Marote, excepting Witu,

Lamu, Manda, Patta, Kiwhyu, &c.

including the Islands of Lamu and Manda, and Patta and Kiwhyu,† and all other islands in that vicinity, and in Manda Bay and any other islands on that coast, and the ports of

Kismayu, Brava, Meurka, Magadishu, Warsheikh, and Mruti.

Kismayu, Brava, Merka, Magadishu, Warsheikh, and Mruti, to be at the disposition and in the hands of the Company.

Administration of Possessions.

Art. II. These possessions are to be held by the Company as His Highness' "Wakil" (Plenipotentiary and Agent), and they are to be administered according to the Sheriâl (Mahommedan laws and customs).

* See Concession, British East Africa Company and Zanzibar, 4th March, 1890, p. 148.

† See Concessions, Zanzibar to British East Africa Company, 4th March, 1890, p. 148, and 5th March, 1891, p. 150.

Flags.

His Highness' flag, and the Liwalis, Askaris, and Kathis will be maintained.

Sultan's Authority.

His Highness' authority will be respected as now, but these officials will be under the orders of the Company in all fiscal matters and for the maintenance of public order, but His Highness will have the right of veto in matters of public polity in so far as concerns his own subjects.

Customs Duties.

ART. III. The Customs duties in the above-mentioned places are to be levied in conformity with the existing Treaties between His Highness and foreign States, and His Highness' subjects will be liable to the same duties.

Buildings, Forts, &c.

ART. IV. In the above-mentioned places the Company will have the right to select for their own use, during the period of this Concession, any building, fort, &c., belonging to His Highness.

Acquisition of Lands and Buildings.

The Company will have the right to acquire lands and buildings by purchase or negotiation with the consent of the proprietors.

*Duration of Agreement for Five Years.**

ART. V. This Agreement is for five years from the date of its signature. After these five years have elapsed the Sultan shall give another Concession for more than five years, according to the Agreement between himself and the Company.

Custom Houses.

ART. VI. For five years the employés of His Highness will remain in the Custom Houses. After the lapse of this period,

* See Concession, British East African Company, 4th March, 1890, p. 148.

His Highness will hand over the Customs entirely to the Company, and all increase on net profit shall be divided equally between His Highness and the Company.

In faith whereof His Highness Seyyid Khalifa-bin-Saïd and Gerald Herbert Portal, British Acting Agent and Consul-General, on behalf of the Imperial British East Africa Company, have signed this Agreement and affixed their Seals.

Done at Zanzibar, this 31st day of August, 1889.

(Arab Seal.)

Subject to concurrence of the Imperial British East Africa Company.

(Seal.) G. H. PORTAL.

I certify the above Seals and Signatures of His Highness the Sultan of Zanzibar and Mr. G. H. Portal, Acting British Agent and Consul-General.

Lloyd W. Mathews,
In command of Zanzibar Troops.
Zanzibar, 31st August, 1889.

No. 155.—*PROVISIONAL AGREEMENT concluded between the Sultan of Zanzibar, and Her Britannic Majesty's Agent and Consul-General (subject to the approval of Her Majesty's Government), respecting the British Protectorate of the Sultan's dominions, Succession to the Throne of Zanzibar, &c.** *Zanzibar, 14th June,* 1890.

British Protectorate.

ART. I. His Highness Seyyid Ali-bin-Saïd, the Sultan aforesaid, accepts freely and unreservedly for himself, his subjects, and his dominions, the Protectorate of Great Britain, to commence from any date which may hereafter be fixed by Her Majesty's Government.

Relations of Zanzibar with Foreign Powers to be conducted through British Government.

ART. II. His Highness Seyyid Ali-bin-Saïd further understands and agrees that all his relations, of whatever sort, with foreign Powers, shall be conducted under the sole advice and through the channel of Her Majesty's Government.

Sultan's Dominions lying between the Umba and Rovuma Rivers.

ART. III. As regards that portion of His Highness the Sultan's dominions lying between the Umba and Rovuma Rivers, His Highness Seyyid Ali agrees to abide by any equitable arrangement that may be come to by Her Majesty's Government with Germany regarding its retention by the Germans, and leaves his just interests in this question entirely to the care of Her Majesty's Government.†

* See Notification of British Protectorate, 4th November, 1890, p. 766.

† See Agreement, Great Britain and Germany, 1st July, 1890, Arts. 1, § 1 and 2, pp. 642, 643.

*British Guarantee of Sultan's Throne to himself and his Successors.**

ART. IV. Colonel C. B. Euan-Smith, Her Majesty's Agent and Consul-General aforesaid, hereby guarantees, on behalf of Her Majesty's Government, the maintenance of His Highness the Sultan of Zanzibar's throne to himself, Seyyid Ali, and also to his successors.

Succession to the Throne of Zanzibar.

ART. V. Colonel C. B. Euan-Smith further guarantees to His Highness Seyyid Ali, on behalf of Her Majesty's Government, the right of nominating his own successor to the Throne, subject to the approval of Her Majesty's Government.

Agreement to be binding permanently.

ART. VI. His Highness Seyyid Ali hereby declares that the above Agreement shall be for ever binding upon himself, his heirs and successors.

Done at Zanzibar, in duplicate English and duplicate Arabic copies, on the 14th day of June, in the year 1890.

(Signature in Arabic.)

Translation: ("This is true. Written by Ali-bin-Saïd with his own hand.")

Witness to the signature of His Highness the Sultan:
MOHAMMED-BIN-SAEF.
SALIM-BIN-ASSAN.

(L.S.) C. B. EUAN-SMITH, *Colonel, Her Britannic Majesty's Agent and Consul-General.*

Witness to the signature of Colonel Euan-Smith:
ERNEST J. L. BERKELEY,
Her Britannic Majesty's Vice-Consul.

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* Sultan Seyyid Ali-bin-Saïd died on the 5th March, 1893, and was succeeded by Hamed-bin-Thwain, the PRESENT SULTAN (September, 1894).

[British Protectorate.]

The Sultan of Zanzibar to the Marquis of Salisbury.

(Translation.) *Zanzibar, 14th June*, 1890.

We have heard from our true friend, your Consul-General Colonel Euan-Smith, all that your Lordship proposes to do for our good. And we know, indeed, that the English Government is always desirous of doing good to us, and we are very grateful to your Lordship in our heart, and we accept everything proposed. And now, please God, our interests will be safely in the care of the English.

This is from your friend.

ALI-BIN-SAÏD.

No. 156.—*NOTIFICATION of the British Protectorate over certain Dominions of the Sultan of Zanzibar. London, 4th November*, 1890.

Foreign Office, 4th November, 1890.

British Protectorate over Sultan's Dominions.

It is hereby notified, for public information, that in pursuance of an Agreement with the Sultan of Zanzibar,* the Dominions of His Highness are placed under the Protectorate of Her Britannic Majesty.

The Protectorate comprises the territory recognized as belonging to His Highness in the Articles of Agreement between Great Britain and Germany, recorded in the note from His Excellency Count Hatzfeldt of the 29th October, 1886, and in the note from the Earl of Iddesleigh of the 1st November following (**No. 123**).†

Exceptions:—Territory lying to the south of River Umba, Island of Mafia, and Districts of Brava, Merka, Magadisho, and Warsheikh.

With the exception of the territory lying to the south of the River Umba, of the Island of Mafia, and of the districts of Brava, Merka, Magadisho, and Warshcikh.‡

[From the "London Gazette" of November 4th, 1890.]

* 14th June, 1890, p. 763.

† See Great Britain and Germany, p. 615.

‡ On the 3rd August, 1889, the administration of this territory was agreed to be handed over by the Sultan of Zanzibar to the British East Africa Company, to be administered by them in the name of the Sultan. See p. 137. See also Deed of Transfer of 18th November, 1889, p. 142.

No. 157.—*DECLARATION between Great Britain and Zanzibar relative to the Exercise of Judicial Powers in Zanzibar. Signed at Zanzibar, 2nd February,* 1891.*

WHEREAS it has been found desirable that judicial powers, under Article XVI of the Treaty of the 30th April, 1886 (**No. 152**), between Great Britain and Zanzibar, should, under certain circumstances, be conferred by Her Majesty's Government upon persons, within the territories of Zanzibar, who are not Consular officers:

It has been agreed between Her Britannic Majesty and His Highness the Sultan of Zanzibar that such judicial powers as are authorized by Article XVI of the aforesaid Treaty of the 30th April, 1886, may be conferred by Her Majesty's Government upon any person, whether such person be a Consular officer or not.

The present Declaration shall have the same force and duration as the Treaty to which it relates.

In witness whereof the Undersigned, duly authorized to that effect, have signed the same this 2nd day of February, 1891.

His Highness SEYID ALI, *Sultan of Zanzibar.*
C. B. EUAN-SMITH, *Her Majesty's Agent and Consul-General, Zanzibar.*

* See also Declaration, 16th December, 1892, p. 768; and List of Orders in Council, p. 750.

No. 158.—*DECLARATION between Great Britain and Zanzibar amending Art. XVI of the Treaty of 30th April, 1886, respecting Consular Jurisdiction. 16th December, 1892.**

WHEREAS under Article XVI of the Treaty of 30th April, 1886 (**No. 152**) between Great Britain and Zanzibar, it is provided that should disputes arise between a subject of His Highness the Sultan or other non-Christian Power not represented by Consuls at Zanzibar and a subject of Her Britannic Majesty, in which the latter is the plaintiff or complainant, the matter may be brought before and decided by some person specially delegated by the Sultan for that purpose.

Now, therefore, it has been agreed between His Highness Seyid Ali, Sultan of Zanzibar, and Sir Gerald H. Portal, Her Britannic Majesty's Diplomatic Agent and Consul-General, acting on behalf of Her Majesty's Government, that in all cases arising within the British Protectorate of Zanzibar, in which the plaintiff or complainant is subject to the jurisdiction of the Protecting Power, and the defendant or accused is a subject of His Highness the Sultan or of other non-Christian Power not represented by Consuls, the Sultan hereby delegates all his judicial powers, as defined in the aforesaid Article No. XVI, to Her Britannic Majesty's Agent and Consul-General, or to any person or persons appointed by him, with the concurrence of the Secretary of State for that purpose. His Highness, however, retains the right to appoint a Kathi to be present at the hearing of such cases, and to act as assessor.

The present Declaration shall come into force from the day of its signature, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the Undersigned, duly authorized to that effect, have signed the same this 16th day of December, 1892.

SEYID ALI, *Sultan of Zanzibar.*
G. H. PORTAL, *Her Britannic Majesty's Diplomatic Agent and Consul-General.*

* See List of Orders in Council, p. 708.

No. 159.—*ORDER IN COUNCIL. Natives of British Protectorates outside Zanzibar to be deemed British Protected Persons when within Zanzibar; British Jurisdiction over Zanzibar Subjects; Enforcement of Treaties, &c., in Zanzibar. Windsor, 17th July,* 1893.*

[Extract.]

Natives of Protectorates outside Zanzibar to be deemed British Protected Persons when within Zanzibar.

2.—(1.) Natives of any Protectorate of Her Majesty which is outside Zanzibar shall when within Zanzibar be deemed to be British protected persons within the meaning of the Orders in Council relating to Zanzibar.

British Jurisdiction over Zanzibar Subjects.

(2.) Such of the provisions of those Orders as refer to British subjects shall extend also to Zanzibar subjects, but in so far only as by Treaty, Convention, grant, usage, or other lawful means Her Majesty has jurisdiction in Zanzibar in relation to Zanzibar subjects.

3. *Art.* 8 *of Order of* 1884 *amended. Code of Criminal Procedure* (*Act* 1882) *not applicable to Zanzibar.*

Enforcement of Treaties, &c., in Zanzibar.

7. The powers conferred upon the Consul-General by Article II of the Order of 1888 shall extend, and be deemed to have extended to regulations for enforcing the observance of any Treaty, Convention, or International Agreement to which Her Majesty is, or may hereafter be, a party, whether the Sultan of Zanzibar is or is not a party thereto.

* "London Gazette," 21st July, 1893. See List of Orders in Council, &c., p. 750.

No. 160.—*BRITISH PROCLAMATION. Administration by the Sultan of Zanzibar of British Protectorate North of the Tana, with the exception of the Territories belonging to His Highness, which are still retained by the British East Africa Company.* 31*st July*, 1893.*

In the Name of the Queen.

A Proclamation.

Be it known to all whom it may concern, that the Imperial British East Africa Company having resigned the administration of the British Protectorate north of the Tana, with the exception of the territories belonging to the Sultan of Zanzibar, which the Company still retains, it falls to Her Majesty's Government to make further arrangements for the administration of that Protectorate;

And that they have decided during pleasure to delegate the administration to their trusted friend, Seyyid Hamed-bin-Thwain, Sultan of Zanzibar, who has accepted this responsibility.

The Protectorate is not incorporated in His Highness' dominions, but remains independent of and distinct from them.

RENNELL RODD,
Her Britannic Majesty's Acting Agent and Consul-General at Zanzibar.

July 31, 1893.

* In the following month, Provisional Regulations were issued, by order of the Sultan of Zanzibar, for the government and administration of the British Protectorate lying between the Rivers Tana and Juba. See Par. Pap: "Africa, No. 1 (1894)."

ITALY.

ITALY.

LIST OF TREATIES, &c.

ITALY AND ASSAB, AUSSA, ETHIOPIA, ZULA, AND DANAKILS.

See Abyssinia, &c., and Italy.

ITALY AND BRITISH EAST AFRICA COMPANY.

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ITALY AND GREAT BRITAIN.

See Great Britain and Italy.

ITALY AND ZANZIBAR.

See Zanzibar and Italy.

No. 161.—*NOTIFICATION. Italian Protectorate over Sultanate of Oppia. 2nd March*, 1889.*

(Translation.)

M. Catalani to the Marquis of Salisbury.

My Lord, 20, *Grosvenor Square, 2nd March*, 1889.

THE Sultan of Oppia, on the East Coast of Africa, has, through a Special Mission, formally requested the Protectorate of the Government of His Majesty the King of Italy.

After having ascertained on the spot that neither a foreign Power nor any private Company, depending from a foreign Power, had taken possession or established any Protectorate, or any foreign influence on the above-mentioned territory, an Italian man-of-war, by order of His Majesty's Government, hoisted on the 8th February last the national flag, and declared the Protectorate by means of a regular Treaty with the Sultan, who has stipulated in his own name and on behalf of his successors and of the Chiefs under his sway.†

According to the instructions received from my Government, and in pursuance of the provisions of Article 34 of the General Act of the Berlin Conference for the Congo (**No. 17**), I have the honour to communicate the above to your Lordship, asking you to be so good as to take note of this communication.

The limits of the Sultanate of Oppia (Obbia in the British Maps) are the following:—

On the north, Ras Accad, 5° 30′ north latitude; on the south, the village El Maregli, 3° 40′ north latitude. Oppia, the chief city, although placed in many maps more towards the north, is really in latitude 5° 22′.

I have, &c.,
T. CATALANI.

* See amended Notification, 20th May, 1889, p. 774.
† For Treaty, 8th February, 1889, see S.P., vol. lxxx.

[Italian Protectorate.]

The Marquis of Salisbury to M. Catalani.

M. le Chargé d'Affaires, *Foreign Office, 4th March*, 1889.

I HAVE the honour to acknowledge the receipt of your note of the 2nd instant, in which, in pursuance of the provisions of Article 34 of the General Act of the Conference at Berlin of the 26th February, 1885, on the affairs of Africa (**No. 17**), you inform me that an Italian Protectorate has been established over the Sultanate of Oppia, or Obbia, on the east coast of that continent, extending from Ras Aecad on the north, in 5° 30′ north latitude, and the village of El Maregli on the south, in 3° 40′ north latitude.

I have, &c.,
SALISBURY.

[See amended Notification, 20th May, 1889, p. 774.]

No. 162.—*NOTIFICATION (As amended). Italian Protectorate over Sultanate of Oppia. 20th May*, 1889.

(1.) *M. Catalani to the Marquis of Salisbury.**

(Translation.)

M. le Marquis, 20, *Grosvenor Square*, 20*th May*, 1889.

With reference to my letter of the 2nd March last (p. 772), respecting the establishment of the Italian Protectorate over the Sultanate of Oppia, I have the honour to rectify, on the authority of a detailed and precise Report presented by M. Filonardi, Italian Consul at Zanzibar, the limits of the Sultanate, which were given before on the faith of telegrams and incomplete notions.

The Sultanate of Oppia, and, consequently, the extent of the Italian Protectorate, have as limits, to the south, the territory of Warsheik, belonging to the Sultan of Zanzibar,† at 2° 30′ of north latitude, and to the north Cape Awad, at 5° 53′.

In thus rectifying the limits formerly given, I have the honour, by order of my Government, to announce to your Excellency, that the territories of Garad and Wady Nozat, as far as 8° 3′ north latitude, which bound to the north the Sultanate of Oppia, and of which the ownership was contested by Osmand Mahmond, Sultan of all the Mijjertayns, and Jusuf Ali Jusuf, Sultan of Oppia, have been, with the consent of the two Sultans, subjected to the Protectorate of the Italian Government by an Act stipulated with Osman Mahmond, who has, further, engaged not to accept, for the remainder of his dominions, the Protectorate of any other Power but Italy.

I have the honour to request your Excellency to be so good as to acknowledge the receipt of this Notification, which the King's Government has charged me to make in conformity with

* The receipt of this Notification was acknowledged by the Marquis of Salisbury on the 28th May, 1889, p. 775.

† See Zanzibar and Italy. Concession, 12th August, 1892, p. 950.

the stipulations of Article 34 of the General Act of the Berlin Conference (**No. 17**).

In thanking you beforehand, for the reply which you may be so good as to give me in this matter.

I have, &c.,
T. CATALANI.

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(2). *The Marquis of Salisbury to M. Catalani.*

M. le Chargé d'Affaires, *Foreign Office*, 28*th May*, 1889.

I HAVE the honour to acknowledge the receipt of your note of the 20th instant, notifying the exact limits of the Sultanate of Oppia.

I have, &c.,
SALISBURY.

[Italian Protectorate. East Coast of Africa.]

No. 163.—*NOTIFICATION. Italian Protectorate over Portions of East Coast of Africa. 19th November*, 1889.*

(1.) *M. Catalani to the Marquis of Salisbury.*

(Translation.)

My Lord, 20, *Grosvenor Square*, 19*th November*, 1889.

In obedience to the instructions I have received from his Excellency Signor Crispi, I have the honour to inform your Excellency that, on the 15th November instant, His Majesty's Government assumed the Protectorate of those portions of the East Coast of Africa from the northern boundary of the territory of Kismayu to the parallel 20° 30′ [? 2° 30′] of north latitude, which lie between the stations recognized in 1886 as belonging to the Sultan of Zanzibar (**No. 120**). Thus the northern boundary of the new Italian Protectorate coincides with the southern extremity of the Sultanate of Oppia, which formed the subject of the notification dated the 20th May last (**No. 162**).

I should be obliged if your Excellency would be so good as to take act of the above notification.

Accept, &c.,
T. CATALANI.

(2.) *The Marquis of Salisbury to Count Tornielli.*

M. l'Ambassadeur, *Foreign Office*, 30*th November*, 1889.

I have the honour to acknowledge the receipt of Signor Catalani's note of the 19th instant, announcing that the Italian Government have assumed a Protectorate over those portions of the East Coast of Africa from the northern boundary of the territory of Kismayu to the parallel 20° 30′ [? 2° 30′] of latitude north, which lie between the stations recognized in 1886 as belonging to the Sultan of Zanzibar (**No. 120**).

I have, &c.,
SALISBURY.

* For Treaty between Italy and the Sultan of the Mijjertayn Somalis, of 7th April, 1889, see S.P., vol. lxxx.

LIBERIA.

LIBERIA.

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No. 164.—*Notes on LIBERIA and MARYLAND.*
1816—1893.

In the year 1816 a Committee was formed in Washington, with the object of restoring to their native soil in Africa those of the negroes who, on the abolition of slavery, had obtained their freedom.

In 1822 this body obtained possession of a tract of land on the Pepper Coast of Upper Guinea; and the new Colony which was to be the refuge of the freed blacks was named Liberia.*

On the 26th July, 1847, the Colony proclaimed itself a free, sovereign, and independent State, by the name of the Republic of Liberia, in a Constitution which was drawn up on a model of that of the United States.†

The independence of Liberia was acknowledged by Great Britain in March, 1848, and a Treaty of Friendship, Commerce, &c., was concluded between the two countries on the 21st November of the same year.‡ Similar Treaties were subsequently concluded with other countries.

Liberia and United States.

In the Treaty with the United States of 21st October, 1862§ (Art. VIII), the United States Government engaged "never to interfere, unless solicited by the Government of Liberia, in the affairs between the aboriginal inhabitants and the Government of the Republic of Liberia, in the jurisdiction and territories of the Republic," and although the Treaty contained no stipulation guaranteeing the independence of Liberia, the United States' Government have frequently interposed their good offices to procure the adjustment of difficulties between Liberia and foreign States.

On the 1st March, 1876, the following tribes representing

* Keith Johnston's "Africa" (1880), p. 128. McCulloch's "Geographical Dictionary" (1866), vol. iii, p. 156.

† S.P., vol. xxxv, p. 1301.

‡ S.P., vol. xxxvi, p. 394. H.T., vol. viii, p. 736.

§ S.P., vol. lii, p. 228.

the G'debo re-united Kingdom, Cape Palmas, Rocktown, Middletown, Fishtown, Half Garaway, Whole Garaway, Half Cavalla, and Whole Cavalla, concluded a Treaty of Peace with Liberia by which they renewed their allegiance to the Liberian Government.*

The following instances may be cited as showing the relation which exists between the United States and Liberia.

In 1879,† on the occasion of the reported offer of French protection to Liberia, the American Minister at Paris was instructed to make inquiries on the subject, and he was reminded in his instructions, that when it was considered that the United States had founded and fostered the nucleus of native representative Government on the African shores, and that Liberia, so created, had afforded a field of emigration and enterprise for the emancipated Africans of America, who had not been slow to avail themselves of the opportunity, it was evident that the United States' Government must feel a peculiar interest in any apparent movement to divert the independent political life of Liberia for the aggrandizement of a great Continental Power which already had a foothold of actual trading possession on the neighbouring coast.

In 1880, Mr. Evarts informed Mr. Hoppin (the United States' Chargé d'Affaires in London) that the United States were not averse to having the Great Powers know that they publicly recognized the peculiar relations which existed between them and Liberia, and that they were prepared to take every proper step to maintain them.‡

In 1884, Mr. Frelinghuysen informed M. Roustan (French Minister at Washington) that Liberia, although not a Colony of the United States, began its independent career as an offshoot of that country, which bore to it a quasi-parental relationship, which authorized the United States to interpose its good offices in any contest between Liberia and a foreign State, and that a refusal to give the United States an opportunity to be heard for this

* S.P., vol. lxviii, p. 464.

† United States' Foreign Relations, 1879, p. 341; 1880, p. 362.

‡ Mr. Evarts to Mr. Hoppin, April 21, 1880. Wharton's "International Law Digest," vol. i, p. 444.

purpose would make an unfavourable impression on the minds of the Government and the people of the United States.

In 1887, on the occasion of the reported French aggressions on Liberian territory, the United States' Government stated that their relations with the Republic had not changed, and that they still felt justified in employing their good offices on her behalf.*

The French Government, however, although not disposed to reject the idea of a natural boundary ("délimitation de nature"), objected to negotiate with the Minister of the United States, on the ground that the Liberian Chargé d'Affaires was the only Agent acknowledged to represent that Republic in France, but the United States' Government explained that the function of their Minister in France was only to act, so far as might be admissible, as a conciliatory medium between the Agent of Liberia and the French Government.†

Maryland.

An Association called the "Maryland State Colonization Society" was duly incorporated in the State of Maryland by an Act of its Legislature (Acts of 1831, cap. 314), and was authorized to purchase lands in Africa for the purpose of assisting the colonization of negroes in that country.

In 1854, by agreement with the Parent Society, the colonists organized the independent African State of Maryland, possessing all the territory purchased by the Society.

On the 4th January, 1856, a Commercial and Slave Trade Treaty was signed between the Republic of Liberia and the State of Maryland, in Liberia, in which it was declared to be understood that "the term Liberia had no connection with Liberia proper."‡

Annexation of Maryland to Liberia.

On the 19th February, 1857, a Treaty of offensive and defensive alliance was concluded between Liberia and Mary-

* United States' Foreign Relations, 1887, p. 291. M. Bayard to Mr. McLane, March 22, 1887.

† United States' Foreign Relations, 1888.

‡ United States Foreign Relations, p. 289, April 6, 1887. Mr. Bayard to Mr. McLane, March 22, 1887. S.P., vol. lvi, p. 1132.

land;* but in the same year the State was, by consent, annexed to Liberia as the Maryland County, all its territory passing to that Republic, which had been recognized by the Governments of Europe and America.

Boundary of Liberia.

The boundary of Liberia was then claimed by that Republic as extending from Mannah Point to the San Pedro River; but France also claimed the Krou (or Ivory) Coast up to Cape Palmas, quoting in support of its claim a Decree published in the "Bulletin des Lois," 1885, which declared the villages of Grand et Petit Biribi, Tahou, Bacha, &c., up to and including the mouth of the Garroway, west of Cape Palmas, to be French Possessions.

A Boundary Treaty was, however, concluded between France and Liberia on the 8th December, 1892. (See p. 783.)

North-West Boundaries of Liberia.

On the 11th November, 1885,†. a Convention was concluded between Great Britain and Liberia, for the settlement of the north-western boundaries of the Republic, and other questions; and the following are the Articles which relate to those boundaries:—

ART. II. The line marking the north-western boundary of the Republic of Liberia shall commence at the point on the sea-coast at which, at low water, the line of the south-eastern or left bank of the Mannah River intersects the general line of the sea-coast, and shall be continued along the line marked by low water on the south-eastern or left bank of the Mannah River, until such line, or such line prolonged in a north-easterly direction, intersects the line or the prolongation of the line marking the north-eastern or inland boundary of the territories of the Republic, with such deviations as may hereafter be found necessary to place within Liberian territory the town of Boporu, and such other towns as shall be hereafter acknowledged to have belonged to the Republic at the time of the signing of this Convention.

* S.P., vol. xlvii, p. 582.
† H.T., vol. xvii, p. 823.

Recognition by Liberia of certain Acquisitions of Territory by the British Government.

ART. III. The President of the Republic of Liberia hereby recognizes the recent acquisition by Her Majesty's Government of certain portions of territory which make the south-eastern boundary of Her Majesty's Possessions in this portion of West Africa conterminous with that portion of the line of the north-western boundary of the Republic of Liberia, as described in Article II, which commences at the point on the sea-coast at which at low water the line of the south-eastern or left bank of the Mannah River intersects the general line of the sea-coast, and which terminates at the point on the line of the said north-western boundary line nearest to the town of Ngarinja, situated on the right bank of the Mannah River.

Repayment by Great Britain to Liberia of Sums paid for the Purchase of the Territories of Mannah, &c.

ART. IV. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland engages to pay to the President of the Republic of Liberia the amounts shown in the statement of Mr. Benjamin Anderson, the Secretary of the Liberian Treasury, dated Monrovia, 6th June, 1870, to have been paid at different periods by the Liberian Government for the purchase of the territories of Mannah, Mannah River, and Soloma, Mannah Rock, Cassa, Gumbo, and Mattru; that is to say:—

	Dol. c.
May 23, 1849. Paid to King Robin of the Mannah Territory....	100 00
March 27, 1850. Paid to the Kings and Headmen for Mannah Rock Territory.....	600 00
April 6, 1850. Paid to the Kings and Headmen for Gumbo Territory.....	500 00
April 9, 1850. Paid to the Kings and Headmen for Mattru Territory.....	500 00
May 4, 1850. Paid to the Kings and Headmen for Cassa Territory	850 00
December 24, 1850. Paid to King Robin for Mannah River and Soloma Territory.....	1,129 26

Presents to the Kings and Chiefs.

		Dol. c.	
To the Kings and Chiefs at	Mannah Rock.....	81 72	
„ „	Gallinas	103 12	
„ „	Cassa.....	65 20	
„ „	Gumbo	51 12	
„ „	Mattru	44 70	
			345 86
To T. S. Gordon, of the Kittam Territory, as Interpreter.....			50 00
			4,075 12

French Protectorates on Ivory Coast.

On the 26th October, 1891, the French Government notified to the British Government that, in accordance with Article 34 of the Berlin Act of 26th February, 1885 (**No. 17**), Treaties had been concluded with the Chiefs of the Ivory Coast, by which all that portion of the coast comprised between Lahou and the Cavally River was placed under the Sovereignty or Protectorate of France; to which Lord Salisbury replied (10th December, 1891, and 11th June, 1892) that, as the notification was made in compliance with the Berlin Act, his answer had been framed within the limits of the terms of that Act, but that Her Majesty's Government did not intend by their acknowledgment to prejudice the question of the claims of Liberia to the territory between the San Pedro and the Cavally Rivers (see Great Britain and France) (**No. 115**).

Boundary between French and Liberian Possessions.

On the 8th December, 1892, an arrangement was entered into between France and Liberia, relative to the delimitation of the territories of the Republic of Liberia and of the French Possessions, which contained the following stipulations:—

Ivory Coast and in the Interior.

"Art. I. On the Ivory Coast and in the interior, the boundary line between the Republic of Liberia and the French Possessions shall be laid down as follows, in conformity with

the red line on the map annexed to the present Arrangement in duplicate and signed, viz.:

River Cavally.

"1. The thalweg of the River Cavally, as far as a point situated at a point about 20 miles to the south of its confluence with the River Fodédongon-Ba, at the intersection of the parallel 6° 30′ N. Lat. and the meridian 9° 12′ of W. Long.*

"2. The parallel passing through the said point of intersection until it meets the meridian 10° Long. W. of Paris†, it being, in any case, understood that the Basin of the Grand Sesters shall belong to Liberia, and the Basin of the Fodédongon-Ba shall belong to France.

"3. The meridian 10° until it meets the parallel 7° N. Lat.; from this point the boundary shall run in a straight line to the point of intersection of the meridian 11° Long.‡ and the parallel passing through Tembi Counda, it being understood that the town of Barmaquinola and the town of Mahomadon shall belong to the Republic of Liberia, Naalah and Mousardon remaining, on the other hand, to France.

Basin of the Niger and its Affluents.

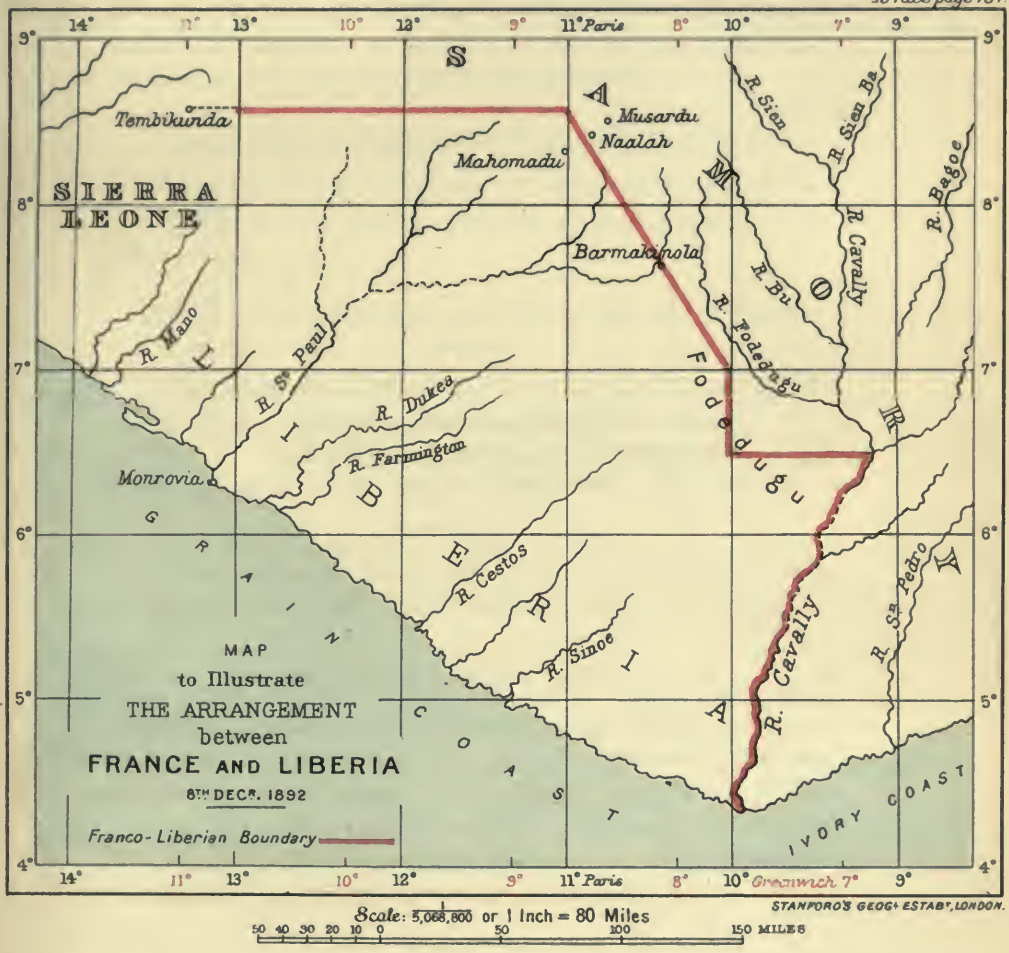
"4. The boundary shall then run in a westerly direction along this same parallel until it meets on the meridian 13° Long. W. of Paris the Anglo-French boundary of Sierra Leone.§ This line shall, in any case, secure to France the whole Basin of the Niger and its affluents.

Free Navigation of the Cavally River.

"ART. II. The navigation of the River Cavally, as far as its confluence with the Fodédongon-Ba, shall be free and open to the traffic of both countries.

* 6° 52′ of Greenwich.
† 7° 40′ of Greenwich.
‡ 8° 40′ of Greenwich.
§ 10° 40′ W. of Greenwich. See Agreement, Great Britain and France, 10th August, 1889, Article II, p. 559.

To face page 784.



Outline map showing boundary Arrangement

BETWEEN FRANCE & LIBERIA

of 8th December, 1892

"France shall have the right of executing, at her own expense, on either bank of the Cavally, the works necessary for rendering the river navigable, it being understood, however, that no violation shall through this be made of the rights of sovereignty which on the right bank belong to the Republic of Liberia. In the event of the execution of these works giving rise to the imposition of taxation, it shall be determined by a fresh agreement between the two Governments.

Renunciation by France of territory on the Grain Coast.

"ART. III. France renounces the rights which she has derived from ancient treaties concluded at various places on the Grain Coast,

Liberian right of Sovereignty over Grain Coast west of Cavally River.

"And recognizes the sovereignty of the Republic of Liberia on the coast to the west of the River Cavally.

Renunciation by Liberia of Territory on Ivory Coast east of Cavally River.

"The Republic of Liberia abandons on her part all claims to territory on the Ivory Coast to the east of the River Cavally.

Free Hire of Labourers by France.

"ART. IV. The Republic of Liberia shall facilitate, as in the past, as far as it shall be in her power, the free hire of labourers on the coast of Liberia by the French Government or her Agents. The same facilities shall be reciprocally accorded to the Republic of Liberia and to her agents on the French portion of the Ivory Coast.

French Reservations, in event of Violation of Liberian Independence or of Abandonment of Territories.

"ART. V. In recognizing the above-determined boundaries of the Republic of Liberia, the Government of the French

Republic declares that she intends contracting an engagement with the Liberian Republic, free and independent, and makes every reservation, in the event of this independence being violated, or in the event of the Republic of Liberia abandoning any portion of the territories recognized as pertaining to her under the present Convention."

To this Arrangement two Articles were annexed, one relating to the pursuit and capture of fugitives, and the other to the indemnity to be paid by France to Liberia for the expense incurred in connection with her establishments on the portion of the coast situated to the east of the Cavally River.

Accession to the Brussels Act of 2nd July, 1890.

On the 6th March, 1893, the Belgian Minister in London notified the adhesion of Liberia, on the 25th August, 1892, to the Brussels Act of 2nd July, 1890 (**No. 18**), subject to the assent of the Senate of that Republic; and, on the 31st August, 1893, he notified that the Government had been officially informed that the approval of the Liberian Senate had been given on the 23rd December, 1892.

Liberia and Greboes.

On the 23rd September, 1893, a Treaty of Peace was concluded between Liberia and the Greboes (G'deboes) of Rocktown, Middletown, Fishtown, and Cape Palmas, in which the Chiefs and natives of these towns declared themselves to be subjects of Liberia, and engaged not to enter into war without the consent of the Liberian Government.

Liberia and Cavalla.

On the 10th November, 1893, Articles of Peace were signed between the Liberian Government and the Chiefs of Cavalla, by which those Chiefs, on behalf of themselves and their subjects, again submitted themselves to the Government of Liberia and acknowledged that they were its subjects.

[See also APPENDIX.]

MADAGASCAR.

MADAGASCAR.

LIST OF TREATIES, &c.

MADAGASCAR AND FRANCE.

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165	8 Aug., 1868.	Treaty	French Consular Jurisdiction, &c.	788
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MADAGASCAR AND GREAT BRITAIN.

169	27 June, 1865.	Treaty.....	British Consular Jurisdiction. Suppression of Piracy and the Slave Trade, &c.	796

For Declaration between Great Britain and France of 5th August, 1890, respecting Madagascar, see Great Britain and France, p. 571.

No. 165.—*TREATY of Peace, Commerce, Consular Jurisdiction, &c., between France and Madagascar. Concluded at Tananarivo, 8th August,* 1868.*

(Translation.)

[Ratifications exchanged at Tananarivo, 29th December, 1868.]

Preamble.

ART. I.—*Peace and Friendship.*

ART. II.—*Right to enter, reside, and travel in respective Countries, subject to Laws. Most-favoured-nation Treatment.*

ART. III.—*Religious Liberty. Right to build Schools and Hospitals. Most-favoured-nation Treatment.*

Protection of Persons and Property of French Citizens.

ART. IV. The French in Madagascar shall enjoy complete protection for their persons and property. They shall be at liberty, like subjects of the most favoured nation, and when conforming to the laws and regulations of the country, to establish themselves wheresoever they shall judge fit, to take land on lease, to acquire all sorts of property, movable and immovable, and to engage in all commercial and industrial operations which are not prohibited by internal legislation.

They shall be at liberty to engage in their service any Malagasy who is neither a slave nor a soldier, and who is free from all prior engagement. However, if the Queen requires these labourers for her personal service, they shall be at liberty to withdraw after having given previous notice to their employers.

Leases, contracts of sale and purchase, and contracts for the engagement of labourers shall be made by authentic acts in the presence of the French Consul and the magistrates of the country.

* Promulgated by Decree of the Emperor of the French, 13th March, 1869. Par. Pap., "Africa No. 4 (1883)." S.P., vol. lviii, p. 190.

Inviolability of Domicile.

No one shall enter the establishments or property in the possession or occupation of French subjects without the consent of the occupant, unless by the intervention of the Consul.

Political and Consular Agents.

ART. V. The High Contracting Parties reciprocally recognize the right of each to maintain a resident Political Agent near the other, and to name Consuls or Consular Agents wherever the exigencies of the service may require. Such Political Agent, Consuls, or Consular Agents, shall enjoy the same rights and prerogatives as may be accorded to Agents of the same rank of the most favoured nation. They shall respectively have the right of hoisting their national flag on their residence.

French Consular Jurisdiction.

ART. VI. The authorities of Her Majesty the Queen of Madagascar shall not intervene in disputes between French subjects, who shall always and exclusively be within the jurisdiction of the French Consul, nor in differences arising between French and other foreign subjects. The French authorities, on the other hand, shall not interfere in disputes between Malagasies, which shall always be adjudicated by the Malagasy authority.

Suits between French subjects and Malagasies shall be adjudicated by the French Consul, assisted by a Malagasy Judge.

French Law.

ART. VII. French subjects shall be governed by French law for the repression of all crimes and offences committed by them in Madagascar. Culprits shall be pursued and arrested by the Malagasy authorities, at the instance of the French Consul, to whom they shall be handed over, and who shall see that they are punished conformably to the French laws.

French subjects proved guilty of a crime may be expelled from Madagascar.

ART. VIII.—*Surrender of Criminals.*

ART. IX.—*Rights of French Merchant Vessels, independent of Local Authority. Assistance of Malagasy Authorities for Maintenance of Discipline among Crews of French Merchant Vessels. Seamen Deserters.*

ART. X.—*Recovery of Debts.*

ART. XI.—*Property of Deceased Subjects.*

ART. XII.—*Shipping Dues.*

ART. XIII.—*Ships of War. Most-favoured nation Treatment.*

ART. XIV.—*Free Import of Goods, except Munitions of War. Free Export of Goods, except Cows and Timber.*

ART. XV.—*Import Duties not to exceed* 10 *per cent.*

ART. XVI.—*Export Duties not to exceed* 10 *per cent.*

ART. XVII.—*Wrecks and Salvage.*

ART. XVIII.—*Outrages on French Merchant Vessels. Robberies and Thefts on Shore.*

ART. XIX.—*Right of French Ships of War to enter Malagasy Ports, Rivers, and Creeks for Suppression of Piracy.*

ART. XX.—*Suppression of the Slave Trade. Right of French Cruisers to search Malagasy and Arab Vessels suspected of Slave Trading.*

ART. XXI.—*Abolition of Judicial Trial by the Tanghan or other Poison. Prisoners of War.*

ART. XXII.—*Treaty not to be altered except by Mutual Consent.**

ART. XXIII.—*Validity of French Text of Treaty.*

ART. XXIV.—*Exchange of Ratifications.*

* See Treaty, 17th December, 1885, p. 791.

No. 166.—*TREATY between the Government of the French Republic and the Government of Her Majesty the Queen of Madagascar. Signed at Tamatave, 17th December,* 1885.*

(Translation.)

THE Government of the French Republic and that of Her Majesty the Queen of Madagascar, being desirous of for ever preventing the recurrence of such difficulties as those which have arisen recently, and wishing to renew their former friendly relations, have resolved to conclude a Convention for that end, and have accordingly nominated as Plenipotentiaries:—

For the French Republic, M. Paul-Émile Miot, Contre-Amiral, Commander-in-Chief of the Naval Division in the Indian Ocean, and M. Salvator Patrimonio, Minister Plenipotiary:

And for the Government of Her Majesty the Queen of Madagascar, General Digby Willoughby, General Officer in command of the Malagasy troops and Minister Plenipotentiary,

Who, after exchange of their full powers, found in good and due form, have agreed to the following Articles, subject to ratification:—

Representation by France of Foreign Relations of Madagascar.

ART. I. The Government of the French Republic will represent Madagascar in all its foreign relations.

Malagasies Abroad under French Protection.

The Malagasies abroad will be placed under the protection of France.

French Resident to Preside over Foreign Relations of Madagascar.

ART. II. A resident representing the Government of the Republic will preside over the foreign relations of Madagascar

* S.P., vol. lxxvi, p. 477. Published in French Yellow Book, February, 1886. See also Par. Paper "Africa No. 2 (1886)."

[French Residents. Jurisdiction.]

without interfering in the internal administration of the dominions of Her Majesty the Queen.

French Resident to reside at Antananarivo. Privileges.

ART. III. He will reside at Antananarivo with a military escort. The Resident will have the right of private and personal audience of the Queen.

Jurisdiction. Disputes between Frenchmen or between Frenchmen and Foreigners.

ART. IV. The authorities under the Queen will not intervene in disputes between Frenchmen or between Frenchmen and foreigners.

Trial of Actions between Frenchmen and Malagasies.

Actions at law between Frenchmen and Malagasies will be tried by the Resident, assisted by a Malagasy Judge.

ART. V. Frenchmen will be subject to French law as regards the punishment of all crimes and offences committed by them in Madagascar.

ART. VI.—*Right of Frenchmen to Reside, Travel, and Trade in Queen's Dominions. Real Property, Lands, Leases, &c.*

ART. VII.—*Religious Toleration. Confirmation of Treaty Stipulations of 8th August*, 1868. **(No. 165.)**

ART. VIII.—10,000,000 *Francs to be paid to France by Queen in Settlement of French Claims and for Losses caused by late War.*

ART. IX.—*French Troops to occupy Tamatave until above Payment be made.*

ART. X.—*Limitation of Claims.*

French Defence of Madagascar Territory.

ART. XI. The Government of the Republic undertakes to lend assistance to the Queen of Madagascar for the defence of her dominions.

Queen to preside over Internal Affairs of Madagascar.

ART. XII. Her Majesty the Queen of Madagascar will continue as heretofore to preside over the internal administration of the whole island.

ART. XIII.—*No Claim to be made by France for a War Indemnity.*

ART. XIV.—*Supply of French Military Instructors, Engineers, Professors, and Artizan Foremen.*

Sakalavas and Antankares.

ART. XV. The Government of the Queen expressly undertakes to treat with good will the Sakalavas and Antankares, and to give due weight to information on this subject which may be furnished by the French Government.

Right of France to occupy Bay of Diego-Suarez.

The Government of the Republic reserves to itself the right of occupying the Bay of Diego-Suarez, and of creating there establishments at its convenience.

ART. XVI.—*Amnesty. Removal of Sequestrations.*

Confirmation of existing Treaties between France and Madagascar.

ART. XVII. The actually existing Treaties and Conventions between the Government of the French Republic and that of the Queen of Madagascar are expressly confirmed in those of their provisions which are not contrary to the present stipulations.*

ART. XVIII.—*Validity of Texts of Treaty.*

ART. XIX.—*Treaty to be ratified.*†

* See Treaty, 8th August, 1868, p. 788.

† In March, 1886, this Treaty, which was communicated to the French Chambers, was laid before Parliament. A circular despatch relating to it, addressed to the French Representatives at the principal Courts, was laid at the same time. Her Majesty's Government subsequently learned that the Treaty had been published in Madagascar with a letter annexed to it signed by the French Plenipotentiaries, but it was understood that the French have never admitted that they were bound by that letter. "Hansard," vol. viii (1893), p. 239.

No. 167.—*FRENCH DECLARATION respecting Maintenance of Treaties in Madagascar, 27th December*, 1885.*

M. de Freycinet to the Representatives of the French Republic at Berlin, Constantinople, London, Madrid, Rome, St. Petersburgh, Vienna, and Washington.

(Translation.)

Maintenance of Treaties between Madagascar and Foreign Powers.

(Telegraphic.) *Paris, 27th December*, 1885.

You may say, if you are questioned concerning the Treaty which we have just signed with the Hova Plenipotentiaries, that this Treaty, if ratified by the two Governments, changes nothing in the Treaties already existing between the Hova Government and other States. It has, moreover, never entered into our thoughts to place an obstacle by these arrangements to the free development of private interests which might be established in Madagascar, to whatever nationality they may belong.

C. DE FREYCINET.

British Recognition of the French Protectorate over Madagascar.

[On the 5th August, 1890, a Declaration was signed by the British and French Governments, by which the British Government recognized the Protectorate of France over the Island of Madagascar, with its consequences, especially as regarded the exequaturs of British Consuls and Agents, which, it was agreed, must be applied for through the intermediary of the French Resident-General. It was also agreed that, in Madagascar, the missionaries of Great Britain and France should enjoy complete protection; that religious toleration and liberty for all forms of worship and religious teaching should be guaranteed; and that the establishment of the French Protectorate would not affect any rights or immunities enjoyed by British subjects in Madagascar. (See Great Britain and France, p. 571.)]

* S.P., vol. lxxvi, p. 477. Laid before Parliament with the foregoing Treaty; in "Africa No. 2 (1886)."

No. 168.—*LIST of Annexations, &c., by France of Madagascar Territory and Islands.* 1750—1860.

The following Acts of Cession, and of Occupation, of Madagascar Territory and Islands are given or referred to in De Clercq's "Collection of French Treaties":—

		Vol.	Page.
30 July, 1750.	Act. Cession of Island of Sainte Marie	xv	22
15 Oct., 1818.	Act. Retaking possession of Island of Sainte Marie by France	xv	158
4 Nov., 1818.	Act. Retaking possession of Port of Tintingue and Country between Cape Bellonc and the River Azaphe	xv	160
1 Aug., 1819.	Procès-Verbal. Retaking possession of Fort Dauphin	xv	162
11 Nov., 1819.	Act. Retaking possession of the Island and Port of Sainte Lucc.....	xv	164
14 July, 1840.	Act. Cession to France of Territory on West Coast of Madagascar, and of Islands of Nossi Bé and Nossi-Comba	xiv xv	594 320
3 Feb., 1841.	Act. Taking possession of Nossi Bé and Nossi-Comba.....	xv	320
5 Mar., 1841.	Treaty. Cession of Ankara and dependent Islands.....	xv	323
1 June, 1841.	Act. Cession of Nossi-Mitsion (Ankara)....	iv	597
26 Feb., 1859.	Convention. French Protectorate, &c. Chiefs on West Coast of Madagascar	xv	417
10 Aug., 1859.	Convention. French Protectorate Mahafales.	xv	428
19 Aug., 1859.	Convention. French Protectorate. Sakalavas of Province of Féhéréna	xv	433
26 Sept., 1859.	Convention. Indemnity, &c. Manouis. Part of Ambongou	xv	438
30 Mar., 1860.	Convention. Indemnity, &c. Ménabé.....	xv	443
23 Apr., 1860.	Convention. Indemnity, &c. Machicora....	xv	448

No. 169.—*TREATY of Peace, Friendship, and Commerce between Great Britain and Madagascar. Signed at Antananarivo, 27th June,* 1865.*

[Ratifications exchanged at Antananarivo, 5th July, 1866.]

Preamble.

ART. I.—*Peace, Friendship, and Good Understanding.*

ART. II.—*Right of British Subjects to trade and to rent or lease Houses or Lands.* (See also Art. V.)

ART. III.—*Right of British Subjects to exercise and teach the Christian Religion. Religious Liberty.*

Reception of a British Agent at the Capital of Madagascar, and of Madagascar Agents at the Mauritius, and at London.

ART. IV. The Queen of Madagascar engages to receive a British Agent at her capital; and Her Britannic Majesty, in like manner, engages to receive at the Mauritius, or at London, an Agent of the Queen of Madagascar.

Appointment of Consuls.

Each Contracting Party may appoint Consuls for the protection of trade to reside in the dominions of the other.

Most-favoured-nation Treatment.

Such Agents and Consuls shall enjoy, in the respective dominions, the same rights and privileges which are or may be there granted to Agents of the same rank of the most favoured nation.

ART. V.†—*Right of British Subjects to purchase, rent, or lease Houses, &c.*

* Signed also in the Malagasy Language. H.T., vol. vii, p. 634.
† Amended by Declaration, 16th February, 1883. H.T., vol. xv., p. 1029.

Engagements in service of British Subjects of Natives of Madagascar. Leases, Contracts, &c.

British subjects may freely engage in their service, in any capacity whatever, any native of Madagascar, not a slave or a soldier, who may be free from any previous engagement. Leases, contracts of sale, or purchase of houses or lands in Madagascar, and engagements of labourers, may be executed by deeds signed before the British Consul and the local authorities. All such engagements, however, are liable to be determined by mutual consent, should the services of persons so engaged be required by the Queen, or on their own application, after due notice.

Inviolability of Domicile.

No domiciliary visits shall be made to the establishments, houses, or properties possessed or occupied by British subjects, unless by the consent of the occupants, or in concert with the British Consul. In the absence, however, of any Consular Officer the local authorities may enter, after giving due notice to the occupants, whenever it is certainly known that stolen property or persons escaping from justice are concealed on the premises. No British subjects residing in Madagascar shall have the right of entering the house of any subject of the Queen of Madagascar against the will of the occupant.

Non-importation of Munitions of War.

Art. VI. Munitions of war shall be imported by the Queen of Madagascar alone into her dominions; but save the said munitions of war, no article whatever shall be prohibited from being imported into the territories of Her Majesty the Queen of Madagascar; nor shall any article whatever be prohibited from being exported therefrom, except munitions of war.

Non-export of Timber and Cows.

And the following articles which are forbidden by the law of Madagascar to be exported, namely, timber and cows.

ART. VII.—*Export Duty not to exceed 10 per cent.*

ART. VIII.—*Tonnage, Harbour, Lighthouse, and other Dues.*

Entrance of British Ships of War into Ports, &c., of Madagascar.

ART. IX. Her Majesty the Queen of Madagascar engages to permit the ships of war of Her Britannic Majesty freely to enter into the military ports, rivers, and creeks situated within her dominions, and to allow such ships to provide themselves, at a fair and moderate price, with such supplies, stores, and provisions as they may from time to time stand in need of.

ART. X. *Wrecks.*

Consular Jurisdiction.

ART. XI. Her Majesty the Queen of Madagascar agrees that in all cases where a British subject shall be accused of any crime committed in any part of her dominions, the person so accused shall be exclusively tried and adjudged by the British Consul, or other officer duly appointed for that purpose by Her Britannic Majesty. But any British subject whom the British Consul, or other officer, shall find to have been guilty of having openly offended against the laws of Madagascar shall be liable to be banished from the country.

In all cases where disputes or differences shall arise within the dominions of the Queen of Madagascar between British subjects and the subjects of Her Majesty the Queen of Madagascar, Her Britannic Majesty's Consul, or other duly appointed officer, aided by an officer duly authorized by Her Majesty the Queen of Madagascar, shall have power to hear and decide the same.

The Malagasy authorities shall not interfere in differences or disputes between British subjects, or between British subjects and the subjects or citizens of any third Power.

The British authorities shall not interfere in differences or disputes between Malagasy subjects and the subjects or citizens of any third Power in Madagascar.

ART. XII.—*Recovery of Debts.*

ART. XIII.—*Treatment of British Ships of War or Merchant Vessels. Seamen Deserters.*

ART. XIV.—*Property of Deceased Subjects.*

ART. XV.—*Eventual Plunder or Robbery of Vessels or Subjects.*

Suppression of Piracy.

ART. XVI. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and Her Majesty the Queen of Madagascar hereby engage to use every means in their power for the suppression of piracy within the seas, straits, and rivers, subject to their respective control or influence; and Her Majesty the Queen of Madagascar engages not to grant either asylum or protection to any persons or vessels engaged in piratical pursuits; and in no case will she permit ships, slaves, or merchandize captured by pirates to be introduced into her dominions, or to be exposed therein for sale.

Permission to British Naval Officers to enter Ports, Rivers, &c., of Madagascar, and to capture Piratical Vessels.

And Her Majesty the Queen of Madagascar concedes to Her Britannic Majesty the right of investing her officers and other duly constituted authorities with the power of entering at all times, with her vessels of war, or other vessels duly empowered, the ports, rivers, and creeks within the dominions of Her Majesty the Queen of Madagascar, in order to capture all vessels engaged in piracy, and to seize and to reserve for the judgment of the proper authorities all persons offending against the two Contracting Parties in this respect.

Abolition of the Trade in Slaves.

ART. XVII. Her Britannic Majesty and Her Majesty the Queen of Madagascar being greatly desirous of effecting the total abolition of the trade in slaves, Her Majesty the Queen of Madagascar engages to do all in her power to prevent all such traffic on the part of her subjects, and to prohibit all persons residing within her dominions, or subject to her, from counten-

ancing or taking any share in such trade. No persons from beyond sea shall be landed, purchased, or sold as slaves in any part of Madagascar.

Right of Search.

And Her Majesty the Queen of Madagascar consents that British cruisers shall have the right of searching any Malagasy or Arab vessels suspected of being engaged in the Slave Trade, whether under sail or at anchor in the waters of Madagascar. Her Majesty the Queen of Madagascar further consents that if any such vessels shall prove to be engaged in the Slave Trade, such vessels and their crews shall be dealt with by the cruisers of Her Britannic Majesty as if such persons and their vessels had been engaged in a piratical undertaking.

ART. XVIII.—*Abolition of Trial by the Ordeal of Poison. Prisoners of War.*

ART. XIX. *Treaty to be ratified.** *Power reserved to alter or add to Treaty.*

* Ratification exchanged at Antananarivo 5th July, 1866.

MOROCCO.

MOROCCO.

LIST OF TREATIES, &c.

MOROCCO AND ALGIERS.

(See Morocco and France.)

MOROCCO AND FRANCE.

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MOROCCO AND SPAIN.

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MOROCCO AND VARIOUS POWERS.

172	31 May, 1865.	Convention..	Cape Spartel Lighthouse.....	808

No. 170.—*CONVENTION between France and Morocco. 10th September*, 1844.*

(Translation.)

Ancient Boundary between Morocco and Algeria to be maintained.

ART. V. The delimitation of the frontiers between the Possessions of His Majesty the Emperor of the French and those of His Majesty the Emperor of Morocco should remain fixed and agreed upon in conformity with the state of things recognized by the Government of Morocco at the time of the domination of the Turks in Algeria. The complete and regular execution of the present clause shall form the object of a special Convention to be negotiated and concluded upon the subject between a Plenipotentiary to be appointed by the Emperor of the French and a Delegate of the Government of Morocco. (See Treaty, 18th March, 1845, p. 803.)

* S.P., vol. xxxii, p. 1202, Art. V, confirmed by Treaty, 18th March, 1845, p. 803.

No. 171.—*TREATY concluded between the Plenipotentiaries of the Emperor of the French and of the Possessions of the Empire of Algeria, and of the Emperor of Morocco, Suz, Fez, and of the Possessions of the Empire of the West. 18th March,* 1845.*

(Translation.)

Ancient Boundary to be Maintained.

ART. I. The two Plenipotentiaries are agreed that the boundary which formerly existed between Morocco and Turkey shall remain the same between Algeria and Morocco. Neither of the two Emperors shall encroach on the limits of the other; neither of them shall in future erect any new buildings on the boundary line; it shall not be marked out by stones. It shall, in a word, remain such as it was between the two countries before the conquest of the Empire of Algeria by the French.

ART. II. The Plenipotentiaries have traced the boundary by means of the places through which it passes, and concerning which they have come to an agreement, so that this boundary has become as clear and as evident as would be a line traced.

That which is to the east of this frontier line belongs to the Empire of Algeria.

All that is to the west belongs to the Empire of Morocco.

Boundary Line Defined.

ART. III. The description of the commencement of the boundary and of the places through which it passes is as follows:—

This line commences at the mouth of the Wady ("l'embouchure de l'oued (c'est à dire cours d'eau")) Adjeroud on the sea; it ascends this watercourse as far as the ford (qué), where it takes the name of Kis; then it follows again the same watercourse as far as its source, which is called Ras-el-Aïoun, and which is situated at the foot of three hills bearing the name of

* S.P., vol. xxxiv, p. 1287.

Menasséb-Kis, which, on account of their situation to the east of the Wady (l'oued), belong to Algeria. From Ras-el-Aïoun this same line follows on the crest of the neighbouring mountains until it reaches Drâ-el-Doum; then it descends into the plain called El-Aoudj. From there it goes nearly in a straight line to Haouch-Sidi-Aïed. Haouch itself, however, remains at about 500 cubits (coudees) (250 metres) on the east side, within the Algerian limits. From Haouch-Sidi-Aïed it runs on to Djerf-el-Baroud, situated on the Wady Bou-Nâïm; thence it goes to Kerkour-Sidi-Hamza; from Kerkour-Sidi-Hamza to Zoudj-el-Beghal, but leaving to the left the country of the Ouled-Ali-ben-Talha as far as Sidi Zahir, which is in Algerian territory, it follows the highway as far as Aïn-Takbalet, which is situated between the Wady Bou-Erda and the two olive trees called El-Toumiet, which are on Maroquine territory. From Aïn-Takbalet it follows the Wady Roubbam as far as Ras-Asfour; it follows beyond that the Kef, leaving the marabout Sidi-Abd-Allah-Ben-Mehammed-el-Hamlili to the east; then, after taking a turn to the west in following the defile El-Mechêmiche, it goes in a straight line to the marabout Sidi-Aïssa, which is as the extremity of the plain Missiouin. This marabout and its dependencies are in Algerian territory. Thence it runs southwards to Koudiet-el-Debbagh, a hill situated at the extreme limit of the Tell (*i.e.*, cultivated land). From there it takes a southerly course to Kheneg-el-Hada, whence it goes to Teniet-el-Sassi, a defile the enjoyment of which belongs to the two Empires.

In order to establish more clearly the delimitation from the sea to the commencement of the desert, mention must not be omitted to be made both of land which touches immediately to the east of the above defined line, and of the names of the tribes which are thereon established.

Starting from the sea, the first territories and tribes are those of Beni-Mengouche-Tahta and Aâttïa. These two tribes are composed of Maroquine subjects, who have come to live in Algerian territory in consequence of grave dissensions having arisen between them and their brothers of Morocco. They parted on account of these dissensions, and came to seek refuge

in the land which they now occupy, and of which they have not ceased obtaining the enjoyment from the Sovereign of Algeria, in consideration for an annual rent.

But the Plenipotentiary Commissioner of the Emperor of the French, being desirous of giving the Representative of the Emperor of Morocco a proof of French generosity, and of his inclination to draw closer the bonds of friendship and to maintain the good relations between the two States, has given his consent to the Maroquine Representative, to the remittance of this annual rent (500 francs for each of the two tribes) as a gift of hospitality, so that the two tribes above mentioned will have nothing to pay, in any way whatsoever, to the Government of Algeria as long as peace and a good understanding shall subsist between the two Emperors of the French and of Morocco.

After the territory of the Aâttïa comes that of the Messirda, of the Achâche, of the Ouled-Mellouk, of the Beni-Bou-Saïd, of the Beni-Senous, and of the Ouled-el-Nahr. These six last tribes form part of those who are under the dominion of the Empire of Algeria.

It is also necessary to mention the territory touching immediately the west of the above-mentioned line, and to name the tribes which inhabit this territory. Starting from the sea, the first territory and the first tribes are those of the Ouled-Mansour-Rel-Trifa, those of the Beni-Iznêssen, of the Mezaouir, of the Ouled-Ahmed-ben-Brahim, of the Ouled-el-Abbês, of the Ouled-Ali-ben-Talha, of the Ouled Azouz, of the Beni-Bon-Hamdonn, of the Beni-Hamlil, and of the Beni-Mathar-Rel-Ras-el-Aïn. All these tribes belong to the Empire of Morocco.

*Desert of Sahara.**

Art. IV. In the Sahara (desert) there is no territorial limit to be established between the two countries, since the land cannot be tilled, and can only be used as pasture ground for the Arabs of the two empires, who come and camp to find pasturage and the water which they may require. The two

* See Declaration, Great Britain and France, 5th August, 1890, p. 571.

Sovereigns shall exercise in what manner they please the fulness of their rights over their respective subjects in the Sahara. And, moreover, if one of the two Sovereigns should have to take measures against his subjects, at a time when the latter may be intermingled with those of the other state, he shall take whatever measures he pleases against his own subjects, but he shall abstain from touching the subjects of the other Government.

Those Arabs dependent on the Empire of Morocco are: the M'beia, the Beni-Guil, the Hamian-Djenba, the Eûmour-Sahra, and the Ouled-Sidi-Cheikh-el-Gharaba.

Those Arabs who are dependent on Algeria are: the Ouled-Sidi-el-Cheik-el-Cheraga, and all the Hamians, except the Hamiano-Djenba above mentioned.

Desert Villages.

ART. V. This article treats of the designation of the "kessours" (desert villages) of the two empires. The two Sovereigns shall follow, in this respect, the ancient custom established by time, and shall, in consideration one for the other, treat the inhabitants of the "kessours" with deference and kindness.

The "kessours," which belong to Morocco, are those of Yiehe and Fignig.

The "kessours," which belong to Algeria, are: Aïn-Safra, Sfissifa, Assla, Tiout, Chellala, El-Abiad, and Bon-Semghonne.

Country South of the Desert Villages.

ART. VI.* With regard to the country, which is to the south of the "kessours" of the two Governments, as there is no water there, is uninhabitable, and the desert, properly so-called, the delimitation of it would be superfluous.

ART. VII. *Non-rendition of Refugees by either Country.*

[On the 5th August, 1890, a Declaration was signed between the British and French Governments, by Art. II of which the

* The Southern Boundary of Morocco has not yet been clearly defined (September, 1894). Peregril Island belongs to Morocco.

[Boundary. Morocco and Algeria.]

Government of Her Britannic Majesty recognized the sphere of influence of France to the south of her Mediterranean Possessions, up to a line from Saye, on the Niger, to Barrawa, on Lake Tchad, drawn in such a manner as to comprise in the sphere of action of the Niger Company all that fairly belonged to the Kingdom of Sokoto; the line to be determined by the Commissioners to be appointed. (See GREAT BRITAIN AND FRANCE, p. 571.)]

[Cape Spartel Lighthouse.]

No. 172.— *CONVENTION between Great Britain, Austria, Belgium, Spain, United States, France, Italy, Netherlands, Portugal, Sweden and Norway; and the Sultan of Morocco; relative to the Establishment and Maintenance of a Lighthouse on Cape Spartel. Signed in the French and Arabic languages, at Tangiers, 31st May, 1865.**

(Translation.)

Construction of Lighthouse by Moorish Government.

ART. I. His Sheriffian Majesty having, in the interest of humanity, ordered the construction, at the expense of the Moroceo Government, of a lighthouse on Cape Spartel, consents to make over, during the whole duration of the present Convention, the entire direction and the administration of that establishment to the Representatives of the Contracting Powers. It is well understood that such delegation in no way affects the rights of property and sovereignty of the Sultan, whose flag shall alone be hoisted on the tower of the lighthouse.

Maintenance of Lighthouse.

ART. II. The Morocco Government not possessing at present any navy, either of war or of commerce, the expenses necessary for the maintenanec and administration of the lighthouse shall be defrayed by the Contracting Parties by means of an annual contribution which shall be equal in amount for each of them; if hereafter the Sultan should possess a military or mercantile navy, he engages to take part in the expenses in the same proportion as the other signing Powers. The expense of repairs, and, if need be, of reconstruction, shall moreover be at his charge.

Lighthouse Guard.

ART. III. The Sultan shall furnish, for the security of the lighthouse, a guard composed of a kaid and four soldiers. He

* H.T., vol. xii, p. 658; S.P., vol. lv, p. 16. Germany acceded to this Convention, 4th March, 1878, H.T., vol. xiv, p. 375, and Russia acceded in 1894.

engages besides to provide, by every means in his power, even in case of war, either internal or external, for the preservation of that establishment, as well as for the security of the keepers and persons employed there.

Neutrality to be Respected.

On the other hand, the Contracting Powers engage, each so far as it is concerned, to respect the neutrality of the lighthouse and to continue the payment of the contribution destined for its maintenance, even in the event (which God forbid) of hostilities breaking out either between them, or between any one of them and the Kingdom of Morocco.

ART. IV. *Regulations for Service and Superintendence of Establishment.*

ART. V. *Duration of Convention.*

ART. VI. *Engagement subject to Constitutional Laws of the Contracting Parties.*

[Ratifications exchanged at Tangiers, 14th February, 1867.]

[On the 27th—29th January, 1892, notes were exchanged between the British and French Governments respecting the establishment of a signal station at Cape Spartel, and the conditions under which its management would be undertaken by Lloyd's Committee, which arrangement was made known by Great Britain to the other Treaty Powers in February, 1892.]

NETHERLANDS

(SEE GREAT BRITAIN AND NETHERLANDS).

NYASALAND

(BRITISH CENTRAL AFRICA PROTECTORATE).

No. 173.—*NOTES on Nyasaland and the British Central Africa Protectorate.* 1891—1893.

On the 15th May, 1891, the following Notification appeared in the "London Gazette."

British Protectorate over Nyasaland Districts.

"*Foreign Office*, 14*th May*, 1891.

"It is hereby notified for public information that, under and by virtue of Agreements with the native Chiefs, and by other lawful means, the territories in Africa, hereinafter referred to as the Nyasaland Districts, are under the Protectorate of Her Majesty the Queen.

"The British Protectorate of the Nyasaland Districts comprises the territories bounded on the east and south by the Portuguese Dominions; and to the west by a frontier which, starting on the south from the point where the boundary of the Portuguese Dominions is intersected by the boundary of the Conventional Free Trade Zone defined in the 1st Article of the Berlin Act, follows that line northwards to the point where it meets the line of the geographical Congo Basin, defined in the same Article, and thence follows the latter line to the point where it touches the boundary between the British and German spheres, defined in the 2nd paragraph of the 1st Article of the Agreement of the 1st July, 1890." (See GREAT BRITAIN AND GERMANY, p. 643.)

"Measures are in course of preparation for the administration of justice and the maintenance of peace and good order in the Nyasaland Districts."

On the 24th February, 1893, the following Notification appeared in the "London Gazette."

Protectorate over Nyasaland Districts to be known as the "British Central Africa Protectorate."

"*Foreign Office*, 22*nd February*, 1893.

"It is hereby notified for public information that the Nyasaland Districts which were declared by the Notification

of the 14th of May, 1891, published in the 'London Gazette' of the 15th of May, 1891, as being a British Protectorate, will be hereafter officially known and described as the 'British Central Africa Protectorate.'".

Prohibition of Alcoholic Liquors.

On the 18th June, 1892, the Signatory Powers to the Brussels Act were informed that the British Protectorate of Nyasaland would be placed, from that date, under the terms of Art. XCI of the Brussels Act, within the zone of prohibition of alcoholic liquids.

Treaties with Native Chiefs.

Various Treaties were concluded, some by Mr. H. H. Johnston, C.B., and others by Mr. Buchanan and Mr. Sharpe, on behalf of Her Majesty's Government, with native Chiefs and Rulers in the British Central Africa Protectorate and adjacent Territories, between the 14th August and the early part of 1894.

[See also Abstracts of Treaties concluded with Makalo, Yao, and other Chiefs of the Shiré Highlands, inadvertently inserted under British South Africa Company, p. 187.]

ORANGE FREE STATE.

ORANGE FREE STATE.

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No. 174.—*Notes on the ORANGE FREE STATE*, 1848—1876.

British Sovereignty.

On the 3rd February, 1848,* a Proclamation was issued by the Governor of the Cape of Good Hope, declaring the sovereignty of the Queen of England over the territories north of the Great Orange River, "including the countries of Moshesh, Moroko, Molitsani, Sinkonyala, Adam Kok, Gert Taaybosch, and other minor Chiefs, as far north as to the Vaal River, and east to the Drakensberg or Quatplamba Mountains."

Orange River Territory.

On the 22nd March, 1851,† Letters Patent were issued erecting the said territories into a separate Government, under the name of the "Orange River Territory."

Renunciation of British Sovereignty.

But on the 30th January, 1854,‡ Orders in Council were issued revoking the Letters Patent of 22nd March, 1851, and declaring the abandonment and renunciation of the dominion and sovereignty of Great Britain over the Orange River Territory on and after the 1st of August of that year.

Independence of the Orange Free State.

On the 23rd February, 1854,§ a Convention was concluded between Great Britain and the Orange River Territory, for the recognition by Great Britain of the Independence of that State.

Basutoland. Boundaries.

And on the 12th February, 1869,‖ a Convention was concluded between Great Britain and the "Orange Free State,"

* S.P., vol. lvi, p. 324.
† S.P., vol. liv, p. 1115.
‡ S.P., vol. lvi, pp. 327, 328.
§ S.P., vol. lvi, p. 331.
‖ S.P., vol. lxx, p. 322.

respecting Basutoland, which contained the following stipulations with regard to Boundaries, &c.

Boundary Line between Basutoland and the Orange Free State.

ART. I.* The boundary line between Basutoland, forming part of the British Empire by virtue of the Proclamation of His Excellency the High Commissioner of Her Britannic Majesty, dated 12th March, 1868,† and the Orange Free State, shall, subject to the provisions contained in Article VI hereof, be as follows:—From the junction of the Cornetspruit with the Orange River, along the centre of the former to the point nearest to Olifantsbeen; from that point to Olifantsbeen; from Olifantsbeen to the southern point of Langberg; along the top of Langberg to its north-western extremity; from thence to the eastern point of Jammerberg: along the top of Jammerberg to its north-western extremity; from thence, by a prolongation of the same to the Caledon River; along the centre of the Caledon River to where the Putisani falls into it; along the centre of the Putisani to its source in the Drakensberg; from thence along the Drakensberg.

ART. II.—*Boundary Commission to be appointed.*

Basutos domiciled on Eastern Side of Boundary Line. British Subjects.

ART. III. The Government of the Orange Free State hereby acknowledges the Basutos domiciled on the eastern side of the boundary line mentioned in Article I to be British subjects.

Natives allowed to establish themselves on Free State Side of Boundary Line. Subjects of Orange Free State.

ART. IV. All natives who have been allowed or permitted by the Government of the Orange Free State to establish themselves on the Free State side of the boundary line men-

* This boundary was altered. See Act, Cape of Good Hope, 11th August, 1871, p. 330; and Agreement, 13th July, 1876, p. 818.

† S. P., vol. lxix, p. 1178.

tioned in Article I are hereby acknowledged to be subjects of the Orange Free State.

Other Basutos on Western Side of Boundary Line to quit the State after 31st July, 1869.

ART. V. Such Basutos, not falling within the terms of Article IV or Article VII, as at present live on the western side of the boundary line mentioned in Article I shall be allowed to remain on the said side until the 31st day of July, 1869, in order to enable them to reap and remove their crops; and after the said day, unless specially permitted by the Government of the Orange Free State to remain, shall be obliged to quit the territory of the said State. Such of them as may fail to comply herewith may be expelled by such means as the Government of the Orange Free State may think fit to adopt for that purpose.

Alteration of Boundary Line in event of Chief Molapo being allowed to become a British Subject.

ART. VI.* Upon the written request of the Chief Molapo to the Volksraad of the Orange Free State for himself and his people to be relieved from their subjection to that State, and to become British subjects, the Volksraad shall grant the said request; whereupon the land between the Putisani, the Caledon River, and the Drakensberg shall cease to form part of the territory of the Orange Free State; and the boundary line mentioned in Article I, instead of running along the centre of the Caledon River to where the Putisani falls into it, along the centre of the Putisani to its source in the Drakensberg, and from thence along the Drakensberg, shall thereafter be taken to run along the centre of the Caledon River to its source in the Drakensberg.

ART. VII.—*French Missionary Establishments, Mequatling and Mabolele.*

ART. VIII.—*Free Intercourse between the White Inhabitants*

* This boundary was altered. See Act, 11th August, 1871, p. 330; and Agreement, 13th July, 1876, p. 817.

in the Orange Free State and Basutoland, subject to Laws and Regulations.

ART. IX.—*No Natives in Basutoland to be allowed to enter or pass through the Orange Free State, and no Natives in the Orange Free State to be allowed to enter or pass through Basutoland, except in conformity with Regulations.*

ART. X.—*Special Convention to be concluded for Surrender of Criminals.**

ART. XI.—*Thefts of Cattle and other Property.*

ART. XII.—*Mutual Claims for Thefts and other Damages to be referred to Arbitration.*

Claim of Orange Free State to Compensation.

ART. XIII.† In the same manner His Excellency the High Commissioner agrees to arbitration with regard to the claim of the Orange Free State to compensation for the abandonment of the land situate between the boundary line mentioned in Article I of the Treaty of Peace between the Orange Free State and the Chief Moshesh, dated 3rd April, 1866, and that mentioned in Article I of the present Convention, and in the case provided for by Article VI for the abandonment of the land situate between the Putisani, the Caledon River, and the Drakensberg.

Confirmation of Convention between Great Britain and Orange River Territory, of 23rd February, 1854, and of Proclamation of 12th March, 1868.

ART. XIV. Nothing herein contained shall be construed to set aside or invalidate the Convention entered into on the 23rd February, 1854,‡ between Sir George Russel Clerk, Her Britannic Majesty's Special Commissioner, and the representatives delegated by the inhabitants of the Orange River Territory, nor any part of the same, nor shall the Proclamation of

* Convention signed 1st—7th Sept., 1887. H.T., vol. xviii, p. 102.

† This boundary was altered. See Act, 11th August, 1871, p. 330; and Agreement, 13th July, 1876, p. 817.

‡ By this Convention the Independence of the Orange River Territory was recognized by Great Britain. S. P., vol. lvi, p. 331.

his Excellency the High Commissioner, dated 12th March, 1868,* be held to have been a violation of said Convention.

ART. XV. *Conditional Abrogation of certain Articles.* . . . .

[It was stated (among other things) in the Schedule attached to this Convention that the border between the Free State and Basutoland should be that recognized before the war of 1865.]

Boundaries.

On the 13th July, 1876,† another Agreement was entered into between the British Government and the Orange Free State, which contained the following stipulations with regard to frontiers, &c.

London, 13*th July*, 1876.

MEMORANDUM OF AGREEMENT between the Right Honourable the Earl of Carnarvon, Her Majesty's Secretary of State for the Colonies, representing Her Majesty's Government, and his Honour President Brand, for the Orange Free State, who, having met and fully communicated with each other for the purpose of arriving at an understanding with regard to the frontier line between the British and the Orange Free State Territories, and as to the sum to be paid by Her Majesty's Government to the Orange Free State in full settlement of all claims with respect to the Diamond Fields and the question of Sovereignty over the lands hitherto in dispute, hereby agree as follows:—

ART. I. The frontier shall be known and recognized hereafter (subject to the provisions in paragraph No. 2) by a line drawn from Rama (Fountain), passing through David's Graf (close above the junction of the Riet and Modder Rivers) to the beacon standing on Tartantal Kop (and marked by De Villiers on the map referred to hereafter), thence by a straight line at right angles to the line from David's Graf to the summit of Platberg, and from the point where the two lines join, thence to the summit of Platberg, thence in a straight line to the

* S. P., vol. lxix, p. 1178.
† S. P., vol. lxx, p. 330.

point marked G on the said map, on the River Vaal, including the whole of the places known as the Diamond Fields.

Art. II. The boundary line given shall be drawn so as to leave within the Free State territory the farm belonging to Gideon Joubert, and the four farms occupied by Commandant Dolf Erasmus, according to the boundaries of the said farms as registered in the Registry of Deeds Office at Bloemfontein, on the 27th October, 1871, but verified and certified by examination, and by marking of beacons, to be made on the spot by two experts, approved by the Right Honourable the Earl of Carnarvon and his Honour President Brand.

Art. III. The map now in the hands of the Right Honourable the Earl of Carnarvon, drawn by Mr. Jonas de Villiers, of the Free State, and signed in duplicate by the Right Honourable the Earl of Carnarvon and his Honour President Brand, shows the line of boundary as herein set forth. But it is admitted that this map is to be verified and approved on the spot by the experts herein referred to, who will mark out the line of boundary by beacons, and make out two copies of the chart, and sign the same, which is to be completed within six months, unless prevented by unforeseen circumstances, or sooner if possible.

Art. IV. The amount to be paid by Her Majesty's Government on the due fulfilment and carrying out of the details of this Agreement is hereby fixed at the sum of £90,000 sterling, payable as follows:—£20,000 payable at Bloemfontein on the completion of the surveys and settlement of the boundaries by beacons, in bills drawn by the Treasurer-General of the Orange Free State upon Her Majesty's Government in London at 60 days after sight, and the remainder (£70,000 sterling) by bills equal to cash in London on the completion of the documents exchanged there.

PORTUGAL.

PORTUGAL.

LIST OF TREATIES, &c.

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PORTUGAL AND ZANZIBAR.

See Zanzibar and Portugal.

No. 175.—*TREATY of Friendship, Commerce, and Boundaries, between Portugal and the Transvaal Republic. Signed at Pretoria, 29th July,* 1869.

[This Treaty was replaced by the Treaty of 11th December, 1875 **(No. 176)**, except in so far as regarded the definition of the respective boundaries given in Art. XXIII, which were declared to be confirmed.]

District of Bay of Lorenzo-Marquez or Delagoa Bay.

ART. XXIII, § 2.* The district of the Bay of Lorenzo-Marquez, which is denominated Delagoa Bay in the English hydrographic charts, being the most southern of the Portuguese Possessions in East Africa, it is understood that in those regions of the African continent the stipulations of this Treaty shall be executed, on the part of the Crown of Portugal, in the territories that belong to it which to the south have for their limits the line drawn from a point in 26° 30′ south latitude in the direction due west up to the mountains of Le Bombo; thence along the summit of the said mountains as far as the pass of the river Comatie, where that river runs between the mountains of Le Bombo; thence to N.N.E. up to the mountain called Pokioneskop, which is to the north of the river Oliphant, where it runs in those parts; thence to N.N.W. to the nearest point of the ridge of Chicundo where the river Umbovo runs; thence in a straight line as far as the junction of the rivers Pafori and Limpopo.

[See also GREAT BRITAIN AND PORTUGAL, p. 704.]

* S.P., vol. lxiii, p. 605.

No. 176.—*TREATY of Friendship, Commerce, Boundary, &c., between the South African Republic, now the Transvaal State, and the King of Portugal, with Protocol annexed, relating to the Lorenzo-Marquez Railway. Signed at Lisbon, 11th December,* 1875.*

[Ratified by Her Majesty as Suzeraine of the Transvaal State, and Ratifications exchanged at Lisbon, 7th October, 1882.†]

(Extract.)

(Translation.)

His Majesty the King of Portugal and of the Algarves, and the Government of the South African Republic, being animated with the desire of drawing closer, improving, and consolidating the relations of amity and friendship subsisting between their respective States, have determined to conclude a new Treaty for this purpose, and have appointed their Plenipotentiaries, namely:—

His Majesty the King of Portugal and of the Algarves, Senhor João de Andrade Corvo, his Councillor, a Peer of the Realm, Minister and Secretary of State for Foreign Affairs, &c., &c.; and the Government of the South African Republic, Mr. Thomas Francis Burgers, President of that Republic;

Who, after having communicated to each other their respective full powers, which were found in due and proper form, have agreed upon and concluded the following Articles:—

Boundary.

Art. XXI. The stipulations of this Treaty shall be substituted for those of the Treaty concluded on the 29th July, 1869, between Portugal and the South African Republic, except as far as regards the definition of the respective boundaries, which shall continue to be regulated in accordance with the stipulations of the said Treaty of the 29th July, 1869 (**No. 175**).

* Signed in the Portuguese and Dutch Languages.

† H.T., vol. xv, pp. 295, 301.

Duration of Treaty.

ART. XXII. This Treaty shall be in force during 20 years, reckoning from the date of the exchange of the ratifications thereof. Should either of the Contracting Parties fail to notify 12 months before the expiration of that term its intention of causing the effects of the said Treaty to cease, it shall continue to be binding until the expiration of the term of one year, reckoning from the date when either of the two High Contracting Parties shall have notified its intention of terminating it.

Ratifications.

ART. XXIII. The present Treaty shall be ratified in accordance with the formalities adopted in either of the two countries, and after the exchange of ratifications it shall come into force within the period which may be fixed upon by mutual agreement.*

PROTOCOL. 11*th December*, 1875.

Construction of a Railway from Lorenzo-Marques or elsewhere to Frontier of South African Republic.

THE Undersigned, inspired by the earnest wish which animates their respective Governments of facilitating the commercial relations between the Province of Mozambique and the South African Republic, and of promoting the development of the public wealth of the two countries, have thought it expedient to declare, on the occasion of the signature of the Treaty of the 11th of this month, what follows:—

The Government of His Majesty the King of Portugal consents to aid the construction of a railway from the Port of Lorenzo-Marques, or from a point on the right bank of the river of that name where there may be permanent navigation, and which will be definitely fixed with reference to the proper technical and administrative reports, as far as the frontier of

* Ratified by Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, &c., as Suzeraine of the Transvaal State, and Ratifications exchanged at Lisbon, 7th October, 1882.

the South African Republic, by according to the undertaking or Company which may be formed for this purpose, and which may offer sufficient guarantee that it is capable of effecting the construction in question—

1. A subvention which may be equal to one-half the cost of the works, in accordance with the estimate to be made in view of the plan, and subject to the technical conditions which may be definitely stipulated, which estimate and plan must be approved of beforehand by His Majesty's Government.

2. The land belonging to the State which may be required for the construction and working of the said railway.

3. Free importation during 15 years of any fixed and circulating materials for the construction and working of the said railway.

4. The right of preference, in an equality of circumstances, for the construction of any branch lines of railway.

5. The exclusive right of working of the said railway and of the electric telegraph pertaining to it during 99 years, at the expiration of which they will revert to the State without any compensation. His Majesty's Government, however, reserves unto itself the right of redemption and the option of using it at such period and in such a manner as may be stipulated in the contract.

The Government of His Majesty the King of Portugal also consents to allow the importation, free of duty, of all the fixed and circulating materials for the construction and working of the continuation of the said line of railway in the territory of the South African Republic.

The Government of the South African Republic on its part declares—

1. That it binds itself to continue the line of railway from the Portuguese frontier as far as a centre of production and consumption which will insure the traffic of the line and the development of international trade.

2. That it will place at the disposal of the undertaking and Company which may be formed for the purpose, all the surveys and plans that shall have been made on account of the same Government.

3. That in case it should deem it expedient to accord the construction of the respective line of railway to the same undertaking or Company to which the construction of the Portuguese part may have been accorded, the Government of the South African Republic will grant the said undertaking or Company every facility, and especially—

(1.) The gratuitous concession of the land requisite for the purpose.

(2.) A guarantee of 5 per cent. on the capital employed, or else a subvention analogous to that promised by the Government of His Majesty the King of Portugal.

(3.) It likewise binds itself to use its best endeavours to induce the natives of the Republic to work in the construction of the said railway, and to adopt every means in their power for the speedy termination of the works.

In fine, the Undersigned declare that, in case the same Company should obtain the concession of the two parts of the said line of railway, and whereas the Company must be subject to the laws of each of the countries within their respective territory, the Government of His Majesty the King of Portugal and the Government of the South African Republic shall adopt, by mutual agreement, the means which they may deem most expedient and effectual in order that the Company may carry out its engagements, and in order to insure, from every point of view, the success of a work from which so many advantages must accrue to both countries.

In witness whereof the Undersigned have signed their names herein, and have affixed thereto the seals of their arms.

Done in Lisbon, the 11th December, 1875.

(L.S.) JOÃO DE ANDRADE CORVO.

(L.S.) THOMAS BURGERS,

President of the State of the South African Republic.

[Railway. Lorenzo-Marquez.]

On the 17th May, 1884*, a Treaty supplementary to the Treaty of 11th December, 1875, was concluded between Portugal and the South African Republic, with the object of facilitating the construction and working of the railway to be made to connect the Province of Mozambique with Pretoria, which was sanctioned by the British Government.

To this Treaty a Protocol was attached, bearing the same date, relative to a proposed Customs Union between the South African Republic and other States and Colonies; also a memorandum bearing the same date, and signed by the Portuguese Minister of Marine and Colonies, respecting the concession to a tramway between Lorenzo-Marquez and the Transvaal.

Boundary between Portugal and the South African Republic.

The following is an extract from a despatch from Her Britannic Majesty's Agent at Pretoria to Her Majesty's High Commissioner at Cape Town, dated 16th September, 1893, respecting the boundary between Portugal and the South African Republic.

(Extract.)

Mr. von Wielligh says the boundary from Komati poort south to the beacon at or on Nellmapius road, to Lorenzo-Marquez, where it crosses the Lebombo Mountain, has been beaconed off in 1887, and is recognized by Portugal and the South African Republic, but not confirmed by formal Treaty. The point called Nellmapius road is marked "Matalhas poort" on Jeppe's map, and "Matingatinga" on the sketch map, marked A, I am sending.

From the above point at Nellmapius road, or Matalhas poort south, to the point on the Lebombo east of the "Mananga" Mountains, no boundary has been beaconed off, but the Transvaal claims only to the eastern summit or break of the mountain, and not to the foot of the eastern slopes, and no claim is made by the Transvaal to the foot of the eastern slopes at any part or portion of the boundary.

* H.T., vol. xvii, pp. 867—870.

From Komati poort north to the Singwetse the boundary has been beaconed off in 1890, and is shown on sketch map B referred to; from there to the Limpopo it is still in dispute.

In speaking of the eastern summit of the Lebombo as the boundary claimed by the Transvaal (along the whole extent), Mr. von Wielligh explained that the Lebombo is a plateau varying from 1 to 20 miles in width, without any well-marked ranges or sudden descents on either side, but it falls with a steeper gradient to the east, and that break or brow being the best natural boundary has for that reason been taken as the line of demarcation, giving the Transvaal the tableland, but leaving to Portugal the whole of the eastern slopes.

SOCOTRA.

No. 177—*TREATY between Great Britain and Socotra, extending British Protection to Socotra and its Dependencies. Signed at Kishn, 23rd April,* 1886.*

THE British Government and Ali-bin-Abdalla-bin-Salim-bin-Saad-bin-Afrir, Sultan of Socotra and its Dependencies, being desirous of maintaining and strengthening the relations of peace and friendship existing between them, the British Government have named and appointed Brigadier-General A. G. F. Hogg, Political Resident at Aden, to conclude a Treaty for the purpose.

The said Brigadier-General A. G. F. Hogg and Sultan Ali-bin-Abdalla aforesaid have agreed upon and concluded the following Articles:—

ART. I. The British Government, in compliance with the wish of the Undersigned, Sultan Ali-bin-Abdalla, hereby undertakes to extend to the Island of Socotra and its dependencies which are under his authority and jurisdiction the gracious favour and protection of Her Majesty the Queen-Empress.

ART. II. The said Sultan Ali-bin-Abdalla agrees and promises, on behalf of himself, his heirs and successors, to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power except with the knowledge and sanction of the British Government; and further promises to give immediate notice to the Resident at Aden, or other British officer, of the attempt by any other Power to interfere with the Island of Socotra and its dependencies.

ART. III. The above Treaty shall have effect from this date.

In witness whereof the Undersigned have affixed their signatures or seals, at Kishn, this 23rd day of April, 1886.

* S.P., vol. lxxvii, p. 1269. H.T., vol. xviii, p. 81.

(On behalf of Brigadier-General A. G. F. Hogg, Political Resident at Aden.)

CHAS. W. H. SEALY, *Second Assistant Resident.*

Witness:

M. S. JAFFER, *Native Assistant Resident.*

⋈ ALI BIN ABDALLA BIN SALIM BIN SAAD BIN JA'WARI BIN AFRIR, *Sultan of Socotra and its Dependencies.*

Witnesses:

SULTAN SALIM BIN AHMED BIN SAAD BIN AFRIR.

SAAD BIN MUBARAK, *Kadthi of Kishn.*

MAHOMED BIN SAAD, *Kadthi of Gollonsia and Socotra.*

DUFFERIN, *Viceroy and Governor-General of India.*

This Treaty was ratified by the Viceroy and Governor-General of India in Council, at Simla, on the 23rd day of June, 1886.

H. M. DURAND, *Secretary to the Government of India, Foreign Department.*

[The British flag was formally hoisted at Tamarida, on the 30th October, 1886.]

SOMALI COAST.

SOMALI COAST.

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No. 178.—*Notes on the SOMALI COAST.* 1840–1889.

Cession of the Island of Mussa to Great Britain.

On the 19th August, 1840, a Treaty was concluded between the East India Company and the Sultan of Tajourah, by which the Sultan engaged not to enter into any Bond or Treaty with any other Power which should prove detrimental or injurious to British interests, and on the same day a Deed was signed by which the Sultan acknowledged that he had sold the Island of Mussa (or Mushah) to the British Government for "10 bags of rice "* (See FRANCE, p. 274); but by an exchange of Notes on the $\frac{2nd}{9th}$ February, 1888, the British Government recognised the protectorate of France over the group of the Mushah Islands. (See APPENDIX.)

Cession of the Island of Bab to Great Britain.

On the 27th August, 1840, the Sultan of Tajourah sold to the British Government the Island of Bab, which was described in the Deed as being an island "situated at the entrance of Gobet-Coral," but it was never occupied by British troops, and is now included in the French sphere of influence. (See FRANCE, p. 274.)

By an exchange of Notes on the $\frac{2nd}{9th}$ February, 1888, the British Government recognised the protectorate of France over this island. (See APPENDIX.)

Zaila. Island of Aubad.

On the 3rd September, 1840,† a Treaty was concluded between the East India Company and the Governor of Zaila, by which he engaged, among other things, not to enter into any Treaties with any other foreign Power, and ceded the Island of Aubad or Efat to Great Britain. The following are extracts from that Treaty:—

* S. P., vol. lxi, p. 195; H. T., vol. xiii, p. 7.
† S. P., vol. lxi, p. 197; H. T., vol. xiii, p. 9.

Non-conclusion of Treaties with Foreign Powers.

"III The Governor of Zaila engages not to enter into any Treaty or Bond with any other European nation or person, or allow other Europeans to settle in his territories, or pass through in any numbers, without bringing the subject, in the first instance, to the notice of the British Government at Aden, so that the same may be in no manner detrimental to his friends, the English, or their commerce, in return for which the English will do all in their power to assist the Governor of Zaila in improving his commercial resources.

"IV. Any subjects of either Power having committed crime or offence are to be punished by their own laws and customs of the countries they belong to.

Cession of Island of Aubad to Great Britain.

"V. Syud Mahomed Bar makes over the island, called Aubad, near Zaila, to the English Government, for the harbour of their ships and vessels without any prohibition whatever.

"We, Syud Mahomed Bar, Governor of Zaila, and Captain Robert Moresby, of the Indian Navy, on the part of the English Government of India, do ratify and agree to keep faithfully the above Articles, that peace and friendship may be lasting between us. In witness whereof we have sent our names and seals."

Somali Coast.

On the 7th September, 1877,* an Agreement was entered into between the British and Egyptian Governments, by which the former engaged to recognize the jurisdiction of the Khedive, under the suzerainty of the Sublime Porte, over the Somali Coast as far as Ras Hafoun, on certain specific conditions, but these conditions have never been fulfilled. (See EGYPT, p. 260.)

France and Tajourah, &c.

In 1884 France concluded Treaties of Cession and Protection with the Sultans of Gobad and Tajourah; and on the 11th

* H. T., vol. xviii, p. 359.

February, 1885, it was notified to the Powers that France had annexed the Danakil and Somali Coasts from Ras Ali to Gubbet-Guarab. (See FRANCE, p. 267.)

British Protectorate over Native Tribes.

Between 1884 and 1886, various Treaties were concluded by the British Government with the Tribes on the Somali Coast, by which they agreed (among other things) not to cede, sell, mortgage, or otherwise give for occupation, save to the British Government, any portion of their territory, and they were placed under British Protection. The following is a list of them* :—

Mijjertayn, 1st May, 1884.
Habr-Awal, 14th July, 1884.
Gadabursi, 11th December, 1884.
Habr-Toljaala, 26th December, 1884.
Essa-Somal, 31st December, 1884.
Habr-Gerhajis, 13th January, 1885.
Warsangali, 27th January, 1886.
Habr-Toljaala, 1st February, 1886.
Habr-Gerhajis, 1st February, 1886.
Habr-Awal, 15th March, 1886.

Socotra.

On the 23rd April, 1886, a Treaty was concluded by Great Britain with the Sultan of Socotra, by which Socotra and its dependencies, lying off the north-east coast of Somali, opposite to Cafe Guardafui, were placed under British Protection. (See SOCOTRA, p. 828.)

British and French Spheres of Influence.

On the 20th July, 1887, it was officially notified to the Powers that, by Agreements with certain tribes on the Somali Coast, a British Protectorate had been established from "Ras Jiburti (or Raz Djeboutil) on the southern coast of the Bay of

* H. T., vol. xviii, pp. 68–79; S. P., vol. lxxvi, p. 99; and vol. lxxvii, p. 1263.

Tajourah to Bunder Ziadeh, in the 49′ meridian of east longitude (Greenwich)" (see "Return," p. 47); and on the $\frac{2nd}{9th}$ February, 1888, an exchange of Notes took place between the British and French Governments for defining their respective spheres of influence on the Somali Coast (see APPENDIX 3, p. 976).

British Jurisdiction over the Somali Coast.

On the 13th December, 1889,* an Order in Council was passed providing for the exercise of British jurisdiction on the Somali Coast, which contained the following clause:—

"3.—(1.) Subject as hereinafter provided, this Order shall apply to the places and territories for the time being comprised in the Protectorate of the Somali Coast, from Ras Jiburti on the south coast of the entrance to the Bay of Tajourah, eastwards to and including Bunder Ziadeh on the 49th meridian of longitude east of Greenwich, as notified on the 20th July, 1887 (p. 834), in pursuance of the General Act of the Conference at Berlin relative to the Congo, dated the 26th February, 1885 **(No. 17)**, including such islands and territorial waters of the said coast as are not expressly excluded from the said Protectorate."

But this Order in Council has not yet come into operation (September, 1894).

British and Italian Spheres of Influence.

On the 5th May, 1894, an Agreement was signed between the British and Italian Governments for defining their respective spheres of influence on the Somali Coast. (See GREAT BRITAIN AND ITALY, p. 669.)

* H. T., vol. xviii, p. 92.

SOUTH AFRICAN REPUBLIC.

SOUTH AFRICAN REPUBLIC.

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No. 179.—*NOTES on the South African Republic (Transvaal).* 1852—1890.

Independence of the Transvaal Boers.

The Independence of the Transvaal Boers was recognized by Great Britain by a Convention which was signed at Sand River, on the 17th January, 1852,* between Her Majesty's Commissioners for settling and adjusting the affairs of the eastern and north-eastern boundaries of the Cape of Good Hope, and a deputation from the emigrant farmers residing north of the Vaal River.

The recognition was made in the following terms:—

"The Assistant Commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River, the right to manage their own affairs, and to govern themselves, without any interference on the part of Her Majesty the Queen's Government, and that no encroachments shall be made by the said Government on the territory beyond to the north of the Vaal River, with the further assurance that the warmest wish of the British Government is to promote peace, free trade, and friendly intercourse with the emigrant farmers now inhabiting or who hereafter may inhabit that country, it being understood that this system of non-interference is binding upon both parties. Should any misunderstanding hereafter arise as to the true meaning of the words 'the Vaal River,' this question, so far as regards the line from the source of that river over the Draakenberg, shall be settled and adjusted by Commissioners chosen by both parties.

"Her Majesty's Assistant Commissioners hereby disclaim all alliances whatever and with whomsoever of the coloured nations north of the Vaal River."

This Convention (which related also to commerce, slavery, and other matters) was approved and confirmed by a Proclamation issued by Her Majesty's High Commissioner of the Cape of Good Hope, on the 15th April, 1852.†

* S.P., vol. liv, p. 1112.

† This Proclamation was affirmed 24th June, 1852. S.P., vol. liv, pp. 1114, 1115.

Transvaal or South African Republic.

In February, 1858, the Transvaal territory became known by the style and title of the South African Republic.

Boundary between Portugal and the Transvaal.

On the 29th July, 1869,* a Treaty was concluded between Portugal and the Transvaal, Article XXIII, § 23 of which defined the boundaries of their respective States (**No. 175**).

Boundary between Bechuanaland and the Transvaal. Keat's Award.

On the 17th October, 1871, Lieutenant-General Keate pronounced his Award on the boundary line between the territory of the Barolongs and Batlapins (in Bechuanaland) and the territory of the Transvaal, limited westward by the province of Griqualand West and extending as far as white occupation, whether on alleged Transvaal rights or otherwise, existed.

Modification of Boundaries between Portugal and the Transvaal.

On the 11th December, 1875,† another Treaty was concluded between Portugal and the Transvaal, by which their respective boundaries were modified and defined. This latter Treaty was eventually ratified by Her Britannic Majesty as Suzerain of the Transvaal on the 7th October, 1882.

The Transvaal declared to be British Territory.

But, in the meantime, that is to say, on the 12th April, 1877‡ (between the date of the signature of this Treaty and its ratification), a Proclamation was issued by Sir Theophilus Shepstone, Her Majesty's Special Commissioner for certain purposes in South Africa, declaring the Transvaal to be British territory.

After stating that the hopes and expectations upon which the mutual compact of the 16th January, 1852, was reasonably

* S.P., vol. lxiii, p. 605.
† H.T., vol. xv, p. 301.
‡ S.P., vol. 68, p. 140.

and honourably founded, had been disappointed; that numerous addresses, memorials, and letters had been received, as well as abundant assurances given, that a large proportion of the inhabitants of the Transvaal saw the urgency and imminence of the circumstances by which they were surrounded, and the ruined condition of the country, as the absence within it of any element capable of rescuing it from its depressed and afflicted state, the Proclamation went on to declare that for these and other reasons the South African Republic was, from that date, British territory.

On the 29th September, 1879,* a Proclamation was issued by the General and Commander-in-Chief in and over the Transvaal territory (Sir Garnet J. (afterwards Lord) Wolseley), declaring the territory of the Transvaal to be for ever an integral portion of Her Majesty's dominions in South Africa; and, on the 8th November, 1879,† British Letters Patent were issued for providing an Executive Council and a Legislative Assembly for the Transvaal province or territory; but in December, 1880, war broke out between Great Britain and the Transvaal, which lasted until the 21st March, 1881, when a Treaty of Peace was signed.

Guarantee of Self-government to the Transvaal, subject to the Suzerainty of Her Britannic Majesty.

On the 3rd August, 1881,‡ a Convention was concluded at Pretoria, between Commissioners appointed by Her Majesty and representatives of the Transvaal burghers, guaranteeing, on behalf of Her Majesty, complete self-government, subject to the suzerainty of Her Majesty, to the inhabitants of the Transvaal territory, upon certain terms and conditions, and subject to certain reservations and limitations.

Boundaries.

The boundaries of the State were then described to be as follows:—

* S.P., vol. lxx, p. 1258.
† S.P., vol. lxx, p. 1259.
‡ S.P., vol. lxxii, p. 900; H.T., vol. xv, p. 401.

[Transvaal. Boundaries.]

"ART. I. The said territory, to be hereinafter called the Transvaal State, will embrace the land lying between the following boundaries, to wit.:

Griqualand West.

"Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the stream called Gansvlei; thence up the Gansvlei stream to its source in the Drakensberg;

Natal Boundary.

thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last described beacon; thence to the nearest source of a small stream called 'Division Stream'; thence down this division stream, which forms the southern boundary of the farm Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinyati River; thence down the course of the Buffalo River to the junction with it of the Blood River;

Zululand Boundary.

thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I, situated on the spur of the N'Qaba-Ka-hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulozi River; thence up the White Umvulozi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II); thence to the source of the Pemvana

River, where the road from Kambula Camp to Burgers' Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range; thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range (Bea. XVI);

Swaziland Boundary.

thence to the northern peak of the Inkwakweni Hills (Bea. XV); thence to Sefunda, a rocky knoll detached from and to the north-east end of the White Koppies, and to the south of the Muzana River (Bea. XIV); thence to point on the slope near the crest of Matanjeni, which is the name given to the south-eastern portion of the Mahamba Hills (Bea. XIII); thence to the N'gwangwana, a double-pointed hill (one point is bare, the other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of the Dadusa Spruit (Bea. XII); thence to the southern point of Bendita, a rocky knoll in a plain between the Little Hlozane and Assegaai Rivers (Bea. XI); thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka or Mudspruit (Bea. X); thence to the beacon known as 'Viljoen's,' or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called 'Joubert's Beacon,' and known to the Natives as 'Piet's Beacon' (Bea. IX); thence to the highest point of the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umgwempisi River (Bea. VIII); thence to a beacon on the only flat-topped rock, about 10 feet high, and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the great Usuto River; this rock being 45 yards north of the road from Camden and Lake Banagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon) (Bea. VII); thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south

of the Umtuli River (Bea. VI); thence to a flat-topped rock, eight feet high, on the crest of the Busuku, a low rocky range south-west of the Impulazi River (Bea. V); thence to a low bare hill on the north-east of, and overlooking the Impulazi River, to the south of it being a tributary of the Impulazi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon (Bea. IV); thence to the highest point of the Mapumula range, the watershed of the Little Usutu River on the north, and the Umpulazi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto (Bea. III); thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock (Bea. II); thence to the top of a rugged hill of considerable height, falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokasi (a sharp cone) by a deep neck (Bea. I). (On a ridge in the straight line between Beacons I and II is an intermediate beacon.) From Beacon I the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west, to Kamhlubana Peak; thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range;

Portuguese Boundary.

thence along the summits of the Libombo range to the middle of the poort where the Komati River passes through it, called the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north-north-west to the nearest point of Serra di Chicundo; and thence to the junction of the Pafuri River with the Limpopo or Crocodile River;

Ma'abeleland Boundary.

thence up the course of the Limpopo River to the point where the Marique River falls into it. Thence up the course of the

Marique River to 'Derde Poort,' where it passes through a low range of hills, called Sikwane, a beacon (No. 10) being erected on the spur of said range near to, and westward of, the banks of the river; thence, in a straight line, through this beacon to a beacon (No. 9), erected on the top of the same range, about 1,700 yards distant from beacon No. 10; thence, in a straight line, to a beacon (No. 8) erected on the highest point of an isolated hill, called Dikgagong, or 'Wildebeest Kop,' situated south-eastward of, and about 3½ miles distant from a high hill, called Moripe; thence, in a straight line, to a beacon (No. 7) erected on the summit of an isolated hill or 'koppie,' forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about two miles distant from, a large isolated hill, called Chukudu-Choehwa; thence, in a straight line, to a beacon (No. 6) erected on the summit of a hill, forming part of the same range, Moshweu; thence, in a straight line, to a beacon (No. 5) erected on the summit of a pointed hill in the same range;

Bechuanaland Boundary.

thence, in a straight line, to a beacon (No. 4) erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon (No. 3) erected on the summit of the northern extremity of a low, bushy hill, or 'koppie,' near to and eastward of the Notwane River; thence, in a straight line, to the junction of the stream called Metsi-Mashwane with the Notwane River (No. 2); thence, up the course of the Notwane River to Sengoma, being the Poort where the river passes through the Dwarsberg range; thence, as described in the Award given by Lieutenant-Governor Keate, dated October 17, 1871,* by Pitlanganyane (narrow place), Deboaganka or Schaapkuil, Sibatoul (bare place), and Maclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence, in a straight line, passing north-east of a Native Station, near 'Buurman's Drift,' on the Molopo River, to that point on the road from Mosiega to the

* See p. 840.

old drift, where a road turns out through the Native Station to the new drift below; thence to 'Buurman's Old Drift;' thence, in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm 'Vleifontein,' No. 117;* thence, in a straight line, to the north-western corner beacon of the farm 'Mooimeisjesfontein,' No. 30; thence, along the western line of the said farm 'Mooimeisjesfontein,' and in prolongation thereof, as far as the road leading from 'Ludik's Drift,' on the Molopo River, past the homestead of 'Mooimeisjesfontein, towards the Salt Pans near Hart River; thence, along the said road, to a point thereon, eight miles north of the dwelling of Gouws, at the Salt Pan; thence, in a straight line, to a point one mile due west of the more northerly Pan, measured from its western edge; thence, in a straight line, to the most westerly beacon of the farm Rietpan, No. 150; thence along the line of the said farm to the drift on the Hart River, near the ruined house, known as 'Liebenberg's;' thence down the Hart River to the drift about two-and-a-half miles below Manusa and opposite the dwelling-house of Theodor Doms; thence, in a straight line, to the summit of an isolated hill, known as 'Koppie Enkel,' situated between the Vaal and Hart Rivers, and about 36 miles from Mamusa, and about 18 miles north of the village of Christiana;

Griqualand West Boundary.

thence, in a straight line, to that point on the north-east boundary of Griqualand West as beaconed by Mr. Surveyor Ford, where two farms, registered as Nos. 72 and 75, do meet, about midway between the Vaal and Hart Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River."

* * * * *

* An Agreement upon this subject was signed between Lieut.-Colonel Moysey, R.E., the Royal Commissioner appointed to beacon off the south-west boundary of the Transvaal State, and the Boundary Chief Montsioa, on the 1st September, 1881.

Independence of the Swazis.

ART. XXIV. The Independence of the Swazis within the boundary line of Swaziland, as indicated in Art. I of this Convention, will be fully recognized.

Convention of London of 27th February, 1884.

This Convention was ratified by the Volksraad on the 25th October, 1881; but it was replaced by another Convention which was signed at London on the 27th February, 1884,* between the British High Commissioner in South Africa and Governor of the Cape of Good Hope, and Delegates from the Transvaal State, in which the south-western boundary of the State was amended, and other alterations made in the Convention of 3rd August, 1881.

The new Convention ran as follows:—

Preamble.

"Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State, Stephanus Jacobus Du Toit, Superintendent of Education, and Nicholas Jacobus Smit, a member of the Volksraad, have represented that the Convention signed at Pretoria on the 3rd day of August, 1881 (page 841), and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved, and that the south-western boundaries fixed by the said Convention should be amended with a view to promote the peace and good order of the said State, and of the countries adjacent thereto; and whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared, that the following articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Dis-

* H.T., vol. xvii, p. 12. S.P., vol. lxxv, p. 5.

tinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic) by the above-named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Jacobus Du Toit, and Nicholas Jacobus Smit, shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of 3rd August, 1881 (p. 841); which latter, pending such ratification, shall continue in full force and effect.

Boundaries.

"ART. I. The Territory of the South African Republic will embrace the land lying between the following boundaries, to wit:

Griqualand West Boundary.

"Beginning from the point where the north-eastern boundary line of Griqualand West meets the Vaal River, up the course of the Vaal River to the point of junction with it of the Klip River; thence up the course of the Klip River to the point of junction with it of the stream called Gansvlei; thence up the Gansvlei stream to its source in the Drakensberg;

Natal Boundary.

thence to a beacon in the boundary of Natal, situated immediately opposite and close to the source of the Gansvlei stream; thence in a north-easterly direction along the ridge of the Drakensberg, dividing the waters flowing into the Gansvlei stream from the waters flowing into the sources of the Buffalo, to a beacon on a point where this mountain ceases to be a continuous chain; thence to a beacon on a plain to the north-east of the last-described beacon; thence to the nearest source of a small stream called 'Division Stream;' thence down this division stream, which forms the southern boundary of the farm Sandfontein, the property of Messrs. Meek, to its junction with the Coldstream; thence down the Coldstream to its junction with the Buffalo or Umzinyati River; thence down the course of the Buffalo River to the junction with it of the Blood River;



Map showing the boundaries of

THE SOUTH AFRICAN REPUBLIC

As defined by Art. 1 of the Convention
of 27th February, 1884.

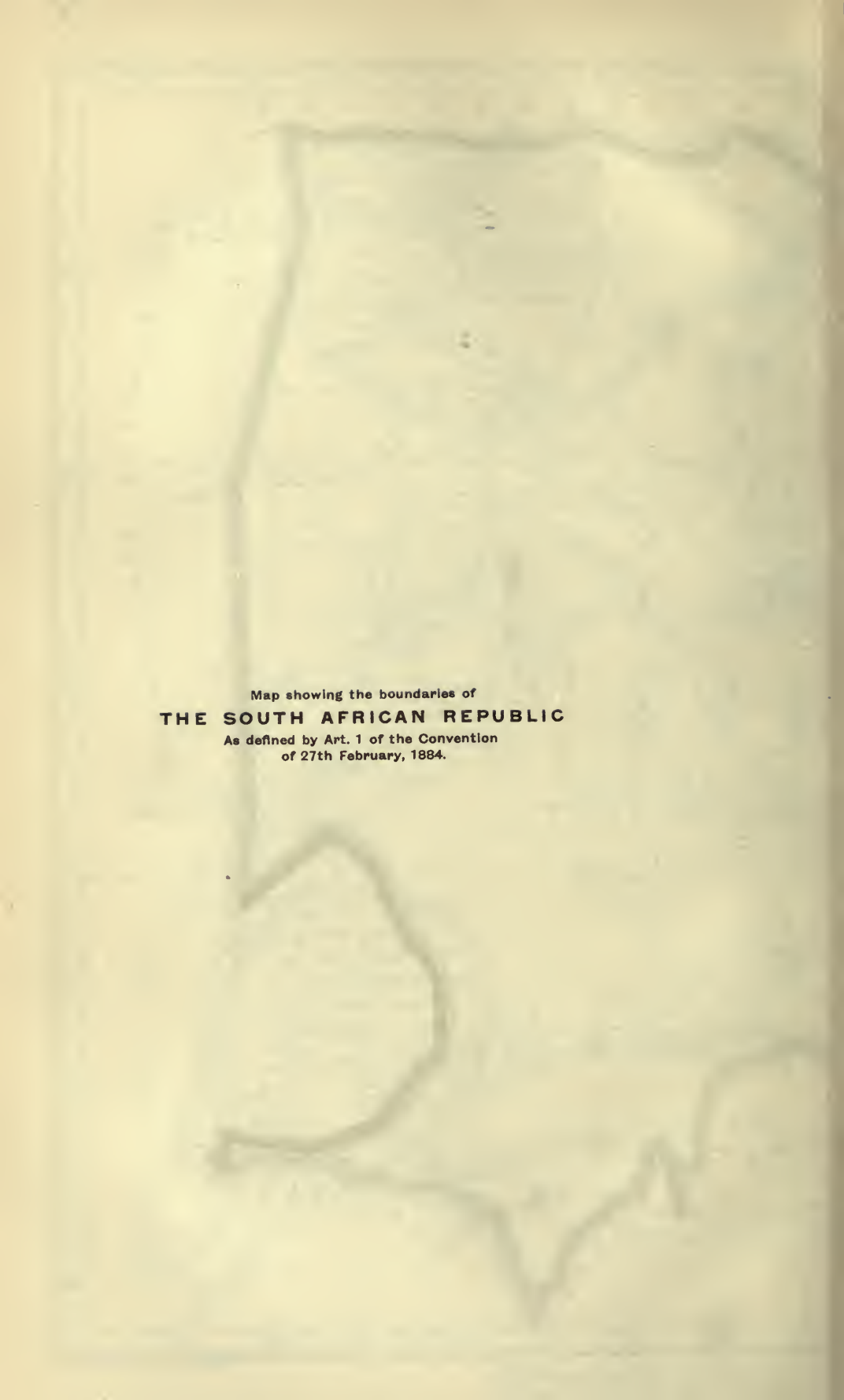


(See also Boundary Conventions of
Notes on Swaziland, p. 903, and

To face page 848



...une & 24 July - 2 August 1890,
...vention of 10 December 1894.)



Map showing the boundaries of

THE SOUTH AFRICAN REPUBLIC

As defined by Art. 1 of the Convention
of 27th February, 1884.

Zululand Boundary.

thence up the course of the Blood River to the junction with it of Lyn Spruit or Dudusi; thence up the Dudusi to its source; thence 80 yards to Bea. I, situated on a spur of the N'Qaba-Ka-hawana Mountains; thence 80 yards to the N'Sonto River; thence down the N'Sonto River to its junction with the White Umvulozi River; thence up the White Umvulozi River to a white rock where it rises; thence 800 yards to Kambula Hill (Bea. II); thence to the source of the Pemvana River, where the road from Kambula Camp to Burgers' Lager crosses; thence down the Pemvana River to its junction with the Bivana River; thence down the Bivana River to its junction with the Pongolo River; thence down the Pongolo River to where it passes through the Libombo Range; thence along the summits of the Libombo Range to the northern point of the N'Yawos Hill in that range (Bea. XVI);

Swaziland Boundary.

thence to the northern peak of the Inkwakweni Hills (Bea. XV); thence to Sefunda, a rocky knoll detached from and to the north-east end of the White Koppies, and to the south of the Musana River (Bea. XIV); thence to a point on the slope near the crest of Matajeni, which is the name given to the south-eastern portion of the Mahamba Hills (Bea. XIII); thence to the N'gwangwana, a double-pointed hill (one point is bare, the other wooded, the beacon being on the former), on the left bank of the Assegai River and upstream of the Dadusa Spruit (Bea. XII); thence to the southern point of Bendita, a rocky knoll in a plane between the Little Hlozane and Assegai Rivers (Bea. XI); thence to the highest point of Suluka Hill, round the eastern slopes of which flows the Little Hlozane, also called Ludaka or Mudspruit (Bea. X); thence to the beacon known as 'Viljoen's,' or N'Duko Hill; thence to a point north-east of Derby House, known as Magwazidili's Beacon; thence to the Igaba, a small knoll on the Ungwempisi River, also called 'Joubert's Beacon,' and known to the natives as 'Piet's Beacon' (Bea. IX); and thence to the highest point of

the N'Dhlovudwalili or Houtbosch, a hill on the northern bank of the Umqwempisi River (Bea. VIII); then to a beacon on the only flat-topped rock, about 10 feet high and about 30 yards in circumference at its base, situated on the south side of the Lamsamane range of hills, and overlooking the valley of the Great Usuto River; this rock being 45 yards north of the road from Camden and Lake Banagher to the forests on the Usuto River (sometimes called Sandhlanas Beacon (Bea. VII); thence to the Gulungwana or Ibubulundi, four smooth bare hills, the highest in that neighbourhood, situated to the south of the Umtuli River (Bea. VI); thence to a flat-topped rock, 8 feet high, on the crest of the Busuku, a low rocky range south-west of the Impulazi River (Bea. V); thence to a low bare hill on the north-east of, and overlooking the Impulazi River, to the south of it, being a tributary of the Impulazi, with a considerable waterfall, and the road from the river passing 200 yards to the north-west of the beacon (Bea. IV); thence to the highest point of the Mapumula range, the watershed of the Little Usuto River, on the north, and the Umpulazi River on the south, the hill, the top of which is a bare rock, falling abruptly towards the Little Usuto (Bea. III); thence to the western point of a double-pointed rocky hill, precipitous on all sides, called Makwana, its top being a bare rock (Bea. II); thence to the top of a rugged hill of considerable height falling abruptly to the Komati River, this hill being the northern extremity of the Isilotwani range, and separated from the highest peak of the range Inkomokazi (a sharp cone) by a deep neck (Bea. I). (On a ridge in the straight line between Beacons I and II is an intermediate beacon.) From Beacon I the boundary runs to a hill across the Komati River, and thence along the crest of the range of hills known as the Makongwa, which runs north-east and south-west, to Kamhlubana Peak; thence in a straight line to Mananga, a point in the Libombo range, and thence to the nearest point in the Portuguese frontier on the Libombo range.

Portuguese Boundary.[1]

thence along the summits of the Libombo range to the middle of the poort where the Komati River passes through it, called

the lowest Komati Poort; thence in a north by easterly direction to Pokioens Kop, situated on the north side of the Olifant's River, where it passes through the ridges; thence about north-north-west to the nearest point of Serra di Chicundo; and thence to the junction of the Pafori River with the Limpopo or Crocodile River;

Matabeleland Boundary.

thence up the course of the Limpopo River to the point where the Marique River falls into it. Thence up the course of the Marique River to 'Derde Poort,' where it passes through a low range of hills, called Sikwane, a beacon (No. 10) being erected on the spur of said range near to, and westward of, the banks of the river; thence in a straight line, through this beacon to a beacon (No. 9), erected on the top of the same range, about 1,700 yards distant from beacon No. 10; thence in a straight line to a beacon (No. 8) erected on the highest point of an isolated hill, called Dikgagong, or 'Wildebeest Kop,' situated south-eastward of, and about 3¼ miles distant from a high hill, called Moripe; thence, in a straight line, to a beacon (No. 7) erected on the summit of an isolated hill or 'koppie' forming the eastern extremity of the range of hills called Moshweu, situated to the northward of, and about 2 miles distant from, a large isolated hill called Chukudu-Chochwa; thence, in a straight line to a beacon (No. 6) erected on the summit of a hill forming part of the same range Moshweu; thence, in a straight line, to a beacon (No. 5) erected on the summit of a pointed hill in the same range;

Bechuanaland Boundary.

thence, in a straight line, to a beacon (No. 4) erected on the summit of the western extremity of the same range; thence, in a straight line, to a beacon (No. 3) erected on the summit of the northern extremity of a low bushy hill, or 'koppie,' near to and eastward of the Notwane River; thence, in a straight line, to the junction of the stream called Metsi-Mashwane with the Notwane River (No. 2); thence up the course of the Notwane River to Sengoma, being the poort where the river passes through the Dwarsberg range; thence, as described in the

award given by Lieutenant-Governor Keate, dated October 17, 1871 (see p. 840), by Pitlanganyane (narrow place), Deboaganka or Schaapkuil, Sibatoul (bare place), and Maclase, to Ramatlabama, a pool on a spruit north of the Molopo River. From Ramatlabama the boundary shall run to the summit of an isolated hill, called Leganka; thence in a straight line, passing north-east of a native station, near 'Buurman's Drift,' on the Molopo River, to that point on the road from Mosiega to the old drift, where a road turns out through the native station to the new drift below; thence to 'Buurman's Old Drift;' thence, in a straight line, to a marked and isolated clump of trees near to and north-west of the dwelling-house of C. Austin, a tenant on the farm 'Vleifontein,' No. 117; thence, in a straight line, to the north-western corner beacon of the farm 'Mooimeisjesfontein,' No. 30; thence, along the western line of the said farm 'Mooimeisjesfontein,' and in prolongation thereof, as far as the road leading from 'Ludik's Drift,' on the Molopo River, past the homestead of 'Mooimeisjesfontein,' towards the Salt Pans near Harts River; thence along the said road, crossing the direct road from Polfontein to Sehuba, and until the direct road from Polfontein to Lotlakane or Pietfontein is reached; thence, along the southern edge of the last-named road towards Lotlakane, until the first garden ground of that station is reached; thence, in a south-westerly direction, skirting Lotlakane, so as to leave it and all its garden ground in native territory, until the road from Lotlakane to Kunana is reached; thence along the east side, and clear of that road towards Kunana, until the garden grounds of that station are reached; thence skirting Kunana, so as to include it and its garden ground, but no more, in the Transvaal, until the road from Kunana to Mamusa is reached; thence along the eastern side and clear of the road towards Mamusa, until a road turns out towards Taungs;

Stellaland.

thence, along the eastern side and clear of the road towards Taungs, till the line of the district known as 'Stellaland' is reached, about 11 miles from Taungs; thence, along the line of the district Stellaland to the Harts River, about 24

miles below Mamusa; thence, across Harts River to the junction of the roads from Monthe and Phokwane; thence, along the western side and clear of the nearest road towards 'Koppie Enkel,' an isolated hill about 36 miles from Mamusa, and about 18 miles north of Christiana, and to the summit of the said hill; thence, in a straight line to that point on the north-east boundary of Griqualand West as beaconed by Mr. Surveyor Ford, where two farms, registered as Nos. 72 and 75, do meet, about midway between the Vaal and Harts Rivers, measured along the said boundary of Griqualand West; thence to the first point where the north-east boundary of Griqualand West meets the Vaal River.

Prevention of Encroachments upon Lands beyond the Boundaries.

"ART. II.* The Government of the South African Republic will strictly adhere to the boundaries defined in the 1st Article of this Convention, and will do its utmost to prevent any of its inhabitants from making any encroachments upon lands beyond the said boundaries.

Commissioners to be appointed on Eastern and Western Borders.

"The Government of the South African Republic will appoint Commissioners upon the eastern and western borders, whose duty it will be strictly to guard against irregularities and all trespassing over the boundaries. Her Majesty's Government will, if necessary, appoint Commissioners in the native territories outside the eastern and western borders of the South African Republic, to maintain order and prevent encroachments.

Amended South-West Boundary to be beaconed off.

"Her Majesty's Government and the Government of the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article I of this Convention;† and the President

* Amended by Convention of 8th November, 1893. (Not yet ratified, September, 1894.)

† See Award, 5th August, 1885, p. 858.

of the Orange Free State shall be requested to appoint a referee to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article, and the decision of such referee thereon shall be final.

Barolong Water Supply.

"The arrangement already made, under the terms of Article XIX of the Convention of Pretoria, of the 3rd August, 1881 (p. 841), between the owners of the farms Grootfontein and Valleifontein, on the one hand, and the Barolong authorities on the other, by which a fair share of the water supply of the said farms shall be allowed to flow undisturbed to the said Barolongs, shall continue in force.

Protection and Assistance to be afforded to British Resident.

"ART. III. If a British officer is appointed to reside at Pretoria, or elsewhere within the South African Republic, to discharge functions analogous to those of a Consular officer, he will receive the protection and assistance of the Republic.

Approval by Her Majesty of any Treaties made by the Republic with other Nations than the Orange Free State.

"ART. IV.* The South African Republic will conclude no Treaty or engagement with any State or nation other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by Her Majesty the Queen.

"Such approval shall be considered to have been granted if Her Majesty's Government shall not, within six months after receiving a copy of such Treaty (which shall be delivered to them immediately upon its completion), have notified that the conclusion of such Treaty is in conflict with the interests of Great Britain, or of any of Her Majesty's Possessions in South Africa.

* See Exchange of Notes, $\frac{27\text{th February,}}{3\text{rd March,}}$ 1884, p. 857. For Commercial Treaty between South African Republic and Italy, 6th October, 1886, see S.P., vol. lxxvii, pp. 594, 597.

Liability of Republic for certain Debts.

"ART. V. The South African Republic will be liable for any balance which may still remain due of the debts for which it was liable at the date of annexation, to wit, the Cape Commercial Bank Loan, the Railway Loan, and the Orphan Chamber Debt, which debts will be a first charge upon the revenues of the Republic.*

Liability of Republic to British Government for £250,000.

"The South African Republic will, moreover, be liable to Her Majesty's Government for £250,000, which will be a second charge upon the revenues of the Republic.

Interest payable on Debts.

"ART. VI. The debt due as aforesaid by the South African Republic to Her Majesty's Government will bear interest at the rate of 3½ per cent. from the date of the ratification of this Convention, and shall be repayable by a payment for interest and sinking fund of six pounds and ninepence per £100 per annum, which will extinguish the debt in 25 years. The said payment of six pounds and ninepence per £100 shall be payable half-yearly, in British currency, at the close of each half year from the date of such ratification: Provided always that the South African Republic shall be at liberty at the close of any half year to pay off the whole or any portion of the outstanding debt.

"Interest at the rate of 3½ per cent. on the debt as standing under the Convention of Pretoria shall, as heretofore, be paid to the date of the ratification of this Convention.

"ART. VII.—*Rights of Persons and Property.*

"ART. VIII.—*Slavery not to be tolerated in the Republic.*

"ART. IX.—*Religious Liberty.*

"ART. X.—*Care and Preservation of Cemeteries.*

Land Grants issued outside the defined Boundary.

"ART. XI. All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary

* See Convention, Great Britain and South African Republic, $\frac{24\text{th July}}{2\text{nd August}}$, 1890, p. 868.

of the South African Republic, as defined in Article I, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the South African Republic; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the South African Republic such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any Native Chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the South African Republic for land excluded from the Transvaal by Article I of this Convention, or where permanent improvements have been made on the land, the High Commissioner will recover from the native authorities fair compensation for the loss of the land thus excluded, or of the permanent improvements thereon.

Independence of Swaziland.

"ART. XII.* The independence of the Swazis, within the boundary line of Swaziland, as indicated in Article I of this Convention, will be fully recognized.

"ART. XIII.—*Import Duties. Prohibitions. Most-favoured-nation Treatment. Special Commercial Arrangements may be made between the South African Republic and any of Her Majesty's Colonies or Possessions.*

"ART. XIV. *Right of Foreigners to travel and reside in the Republic, to possess Houses, and to Trade, on payment of Taxes paid by Natives.*

"ART. XV. *Exemption of Foreigners from Military Service.*

"ART. XVI. *Extradition of Criminals.*

"ART. XVII. *Debts.*

"ART. XVIII. *Land Grants.*

"ART. XIX. *Freedom of Natives to acquire Land; Native Locations; Access to Courts of Law; Passports, &c.*

"ART. XX. *Convention to be ratified."* *

* Amended by Convention of 8th November, 1893. (Not yet ratified, September, 1894.)

EXCHANGE OF NOTES. *Conclusion of Treaties between the Transvaal and the Netherlands and Portugal. February—March*, 1884.

(1.) *The Transvaal Deputation to the Earl of Derby.*

My Lord, *Albemarle Hotel, 27th February*, 1884.

ARTICLE 4 of the new Convention authorises the South African Republic to enter into Treaties with foreign powers subject to the approval of Her British Majesty. Like the whole Convention, this provision also will come into operation after the ratification by the Volksraad.

But there is a special reason why it should be very gratifying to us if we could at once avail ourselves of this new provision. The Deputation proceeds to the Netherlands and to Portugal, as your Lordship is aware, to settle financial and railway matters. As the State President is himself at the head of the Deputation, a peculiarly favourable opportunity now offers itself to the Republic, to treat with the said powers on commercial and other interests.

The Deputation relying on your Lordship's kindness, has the honour herewith to request that the provision contained in Article 4 may be considered now already in operation, so that the Deputation may proceed to conclude treaties, subject to Her Majesty's approval.

We have, &c.,
S. J. P. KRUGER.
S. J. DU TOIT.
N. J. SMIT.

The Earl of Derby.

(2.) *The Earl of Derby to the Transvaal Deputation.*

Gentlemen, *Downing Street, 3rd March*, 1884.

I HAVE the honour to acknowledge the receipt of your letter of the 27th February requesting that you may, during your visits to the Netherlands and to Portugal, avail yourselves of the provisions of the 4th Article of the new Convention, notwithstanding that, pending the ratification of the Convention by the Volksraad of the South African Republic, that article, with the others, is not at present in operation.

Her Majesty's Government will gladly assist, as far as they may properly do so, in removing any obstacles to the transaction of the business which you have in view, and they readily consent to waive those provisions of the Convention of Pretoria (3rd August, 1881, p. 841) which reserve to Her Majesty the conduct of the diplomatic intercourse of your State with Foreign Powers. You will therefore be at liberty to treat personally with the Governments of the Netherlands and of Portugal in respect of these commercial and other interests to which you allude.

If it should appear to you desirable for any reason that a treaty, the terms of which you may be prepared, and may have the power, to agree to on behalf of the South African Republic, should be completed before the new Convention has been ratified by your Volksraad, Her Majesty's Government would be willing (provided that it contains nothing in conflict with British interests) to conclude it in the name and on behalf of the Transvaal State, as provided in Article II of the Convention of Pretoria,* that being the only manner in which it could acquire validity. There is no other mode in which a treaty could be lawfully concluded during the period which must intervene before the ratification of the new Convention; but Her Majesty's Government have pleasure in leaving all preliminary negotiations in your hands.

I have, &c.,
DERBY.

His Honour the President of the South African Republic, and Messrs. Du Toit and Smit.

Award. South West Boundary of the South African Republic.

On the 5th August, 1885,† the Referee appointed by the

* Treaty, 3rd August, 1881, Art. II. "Her Majesty reserves to herself, her heirs and successors . . . . the control of the external relations of the said State, including the conclusion of treaties, and the conduct of diplomatic intercourse with Foreign Powers, such intercourse to be carried on through Her Majesty's Diplomatic and Consular Officers abroad." H.T., vol. xv, p. 405.

† H.T., vol. xvii, p. 34; S.P., vol. lxxvi, p, 991.

President of the Orange Free State, under Article II of the Convention between Great Britain and the South African Republic of 27th February, 1884, respecting the South West Boundary of the South African Boundary, pronounced the following Award:

"Whereas it is stipulated by Article II of a Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, signed in London on the 27th day of February, 1884, by the Representatives of the respective parties to the said Convention, that 'Her Majesty's Government and the South African Republic will each appoint a person to proceed together to beacon off the amended south-west boundary as described in Article I of this Convention, and the President of the Orange Free State shall be requested to appoint a Referee, to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said Article,' and that 'the decision of such Referee shall be final;'

"And whereas Her Majesty's Government did appoint Captain Claude Reignier Conder, R.E., and the Government of the South African Republic did appoint Tielman Nieuwoudt de Villiers, Esq., as such persons to proceed together to beacon off the said amended south-west boundary;

"And whereas thereafter the President of the Orange Free State, being thereunto requested, did on the 5th day of June, 1885, appoint Meluis de Villiers, one of the Judges of the High Court of Justice of the Orange Free State, to be such Referee as aforesaid;

"And whereas the before-mentioned Captain Claude Reignier Conder, R.E., and Tielman Nieuwoudt de Villiers, Esq., did refer to the said Referee the following question on which they disagree respecting the interpretation of Article I of the said Convention, namely, what extent of ground to the west of the roads from Lotlakana to Kunana, and from Kunana to Taungs, as such roads have been accepted and agreed upon by the Commissioners of the Governments of Her Majesty and of the South African Republic respectively, was intended to be included in the South African Republic by the words 'skirting

Kunana so as to include it and all its garden ground, but no more, in the Transvaal;'

"Now therefore I, the said Referee, do hereby decide and declare that the said words denote the ground included between the said roads and the following boundaries, namely, a straight line from a point on the road from Lotlakana to Kunana, as accepted and agreed upon by the respective Commissioners before-mentioned, 1 mile south-west of the point where that road crosses the 'spruit' known as 'Tlakayeng' to a point on the 'kopje' immediately behind Batubatu's kraal where the line next to be mentioned reaches the summit of that 'kopje' thence a straight line to a point 200 yards north-west of an isolated hut whereof compass observations were taken by the British Commissioner in the presence of the Referee and of the Commissioner of the South African Republic, this straight line passing immediately behind the huts of Batubatu's kraal so as to exclude them from the South African Republic; next a straight line from the said point 200 yards from the said hut to the north-western corner of Ramatlane's garden, of which similar observations were taken; thence a straight line skirting the western side of the garden to its south-western corner, that point being very nearly magnetic north of a 'kopje,' being the northernmost of three 'kopjes' forming the termination of a range of hills which is crossed by the road from Kunana to Marebogo, about 6 miles from the former place; next a straight line from the said south-western corner of Ramatlane's garden to the summit of the said 'kopje'; thence a line along the ridge of the said range of hills to the point where the hill is crossed by the road last mentioned.

"Dated at Kunana, this 5th day of August, 1885.

"MELUIS DE VILLIERS."

Boundary between the New Republic and Zululand.

On the 22nd October, 1886,* an Agreement was signed between Great Britain and the New Republic, in which the Boundary between the New Republic and Zululand was thus defined:—

* S.P., vol. lxxvii, p. 1280. H.T., vol. xviii, p. 100.

" ART. I. It is agreed that a line of demarcation be drawn between the territory to remain in occupation and possession of the settlers of the New Republic in Zululand and the territory to be left in the undisturbed occupation and possession of the Zulu nation. This line to be as follows :—

" Beginning from the wagon drift where the road from the Inkandula Mountain crosses the Umhlatuzi River;

" Thence along the wagon road to the Ulundi Drift over the White Umfolozi River;

" Thence following the south bank of the White Umfolozi River upwards to Beacon No. 1 of the line of the 'second inspection';

" Thence to Beacon No. 2 on the Idhlebe Hill;

" Thence to Beacon No. 3, called the Ceza, on the Impembeni Mountains;

" Thence to Beacon No. 4 of the line of the 'second inspection';

" Thence to the nearest source of the Impalaza Spruit;

" Thence down the north bank of the Impalaza Spruit to its junction with the Umkuzana Spruit;

" Thence down the north bank of the Umkuzana Spruit to its junction with the Umkuzi River;

" Thence down the north bank of the Umkuzi River to the Poort where it passes through the Libombo Mountains;

" Thence along the watershed of the Libombo Mountains to the Pongolo River Poort."

South African Republic and Matabeleland.

On the 30th July, 1887, a Treaty was concluded between the South African Republic and Lo Bengula, paramount Chief of Matebeleland.

By Article I it was agreed that there should be between both parties a perpetual peace and friendship, and that no violation of territory on either side should take place.

By Article II the Chief Lo Bengula was acknowledged to be an independent Chief, and an ally of the South African Republic.

[Boundary.]

Union. South African Republic and the New Republic.

On the 14th September, 1887,* a Treaty of Union, under the name of the "South African Republic," was signed between the South African Republic and the New Republic and ratified on the 2nd July, 1888; and on the $\frac{1}{10}$th June, 1888,† the following Convention was signed between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic and ratified on the 28th June, 1888.

Whereas, on or about the 14th day of September, 1887, a certain Treaty of Union was signed and executed by His Honour Stephanus Johannes Paulus Kruger, State President of the South African Republic, and the Honourable Willem Eduard Bok, State Secretary of the said Republic, as representatives of the Volksraad and Government of the said Republic, of the one part, and Mr. Lucas Johannes Meyer and Mr. Philippus Rudolph Spies, as representatives of the Volksraad and Government of a certain community therein styled the New Republic, of the other part, which Treaty of Union has not hitherto been completed and ratified by the Volksraads of the South African Republic and of the said community; and whereas by the fourth article of a Convention duly made and entered into on the 27th day of February, 1884 (p. 847), by and between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, commonly called the Convention of London, the South African Republic did covenant and agree not to conclude any treaty or engagement with any State or nation other than the Orange Free State, until the same has been approved of by Her Majesty the Queen; and whereas Her Majesty the Queen has been pleased to accord Her approval to the said Treaty of Union, when completed and ratified by the aforesaid Volksraads in manner hereinafter set forth, provided this present Convention shall be duly executed, completed, and ratified by and between Her Majesty the Queen and the Government and Volksraad of the South African Republic; and whereas it is expedient and necessary in and by this Convention to add

* H.T., vol. xviii, p. 108. S.P., vol. lxxviii, pp. 830, 833.

† H.T., vol. xviii, p. 113. S.P., vol. lxxviii, p. 869.

certain clauses to the definition of the boundaries of the South African Republic, as set forth in the first article of the Convention of London, and to provide for a renunciation by the Government of the South African Republic on behalf of the said Republic; and of the said community the territory whereof will, by the said Treaty of Union, be incorporated with and into the said Republic of all claims which heretofore the Government of the said community may have advanced to exercise a Protectorate over the whole or any portion of the territory known as Zululand, and now annexed to and forming portion of Her Majesty's dominions; and whereas it is also expedient and necessary to make suitable provision for the proper care and preservation of the graves of certain Zulu Chiefs, which graves are situated within the boundaries hereinafter defined as including portion of the territory of the South African Republic:

Now, therefore, Her Majesty the Queen has been pleased to direct, and it is hereby declared, that the following articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the South African Republic by His Honour Stephanus Johannes Paulus Kruger, State President of the said Republic, shall, as and from the date of the taking effect thereof, be deemed and taken to constitute a binding Treaty and engagement between Her Majesty the Queen and the South African Republic, and shall be read and construed in supplement of and together with the Convention of London aforesaid.

ART. I. This Convention shall not take effect or come into force unless and until—

(*a.*) It shall have been duly completed and ratified by the Volksraad of the South African Republic,* and

(*b.*) The Treaty of Union signed and executed as aforesaid on the 14th day of September, 1887, shall have been completed

* Ratified 2nd July, 1888.

and ratified by the Volksraad of the South African Republic, and by the Volksraad of the community styled in the said Treaty of Union "the New Republic;" unless such completion and ratification of this Convention and of the said Treaty of Union shall have taken place within six months from the date of execution hereof, this Convention shall become null and void to all intents and purposes.

Boundaries.

ART. II. The territory of the South African Republic shall, in addition to the territory defined in the first article of the Convention of London, 27th February, 1884 (p. 847), embrace and include all land lying between the following boundaries to wit,—

Beginning from the point where the Pongolo River passes, through the Libombo range below Beacon XXXI, hereinafter described

Thence up the Pongolo River to its junction with the Bivana River;

Thence up the Bivana River to its junction with the Penwana River;

Thence up the course of the Penwana River to its source where the road from Kambula Camp to Burgers Laager crosses;

Thence to a beacon on Kambula Hill;

Thence 800 yards to a white rock where the White Umfolosi rises;

Thence down the White Umfolosi to its junction with the N'Sonto River;

Thence up the N'Sonto River and 80 yards from the river to a beacon situated on a spur of the N'Qaba Kashwana Mountains;

Thence 80 yards to the source of the Dudusi River or Lynspruit;

Thence down the Dudusi to its junction with the Blood River;

Thence down the Blood River to its junction with the Umdhlenefu Stream;

Thence up the Umdhlenefu Stream to a beacon (Ityendhlovu Rock);

Thence down the Umvunyana River to its junction with the Nondweni River;

Thence up the Nondweni River to a beacon on the Igogo Hill;

Thence to a beacon and the source of the Umhlatuzi River in the Ibabanango Hill;

Thence down the Umhlatuzi River to a drift, where the waggon-road leading from Nkandhla Mountain crosses (Beacon I);

Thence along the waggon-road to Beacon II, on Ugaga or Ityelenimbi Hill;

Thence about 2,000 yards to Beacon III;

Thence to Beacon IV, on Amazizi Range;

Thence to Beacon V, near the source of the Indhlovane Stream;

Thence by Beacons VI, VII, VIII, IX, X, XI, XII, XIII, to Beacon XIV, situated at Ulundi Drift of the White Umfolosi;

Thence along the White Umfolosi to Beacon XV, being the same as Beacon No. 1 of the line of "Second Inspection";

Thence to Beacon XVI, on the eastern spur of Capela Hill;

Thence to Beacon XVII, on a stony hill above Umhlahlane Neck;

Thence to Beacon XVIII, on the Umancanca Range;

Thence to Beacon XIX, on the south-east ridge of the Idhlebe Hill;

Thence to Beacon XX, being the same as Beacon No. 2 of the line of "Second Inspection" on Idhlebe Hill;

Thence to Beacon XXI, on Ugedhla or Umdaja Hill;

Thence to Beacon XXII, being the same as Beacon No. 3 of the "Second Inspection" on Ceza Hill;

Thence to Beacon XXIII, near northern extremity of the Ungalondi Spur;

Thence to Beacon XXIV, on Undindindi Range

Thence to Beacon XXV, on the Umjabase Hill;

Thence to Beacon XXVI, being the same as Beacon No. 4 of the "Second Inspection," on the Isibuja Hill;

Thence to the source of the Impalaza Spruit called Magodogodo or Gotogoto;

Thence down the Impalaza Spruit to the junction with the Umkusana River;

Thence down the Umkusana River to its junction with the Umkusi River;

Thence down the Umkusi River to Beacon XXVII, at the Umkusi Poort; near the southern extremity of the Udonzagolo Ridge;

Thence along the watershed of the Libombo to Beacon XXVIII, on Umangwazana Hill;

Thence to Beacon XXIX, on Emadubeni Ridge;

Thence to Beacon XXX, on Uzibobalane Hill, on the edge of the krantz overlooking the western side of the mountain;

Thence to Beacon XXXI, on the top of Nqabeni Hill;

Thence along the watershed of the Libombo Range to the starting point where the Pongolo River passes through the Libombo Range.

ART. III. The Government of the South African Republic on its own behalf and also on behalf of the community styled in the Treaty of Union aforesaid "the New Republic," hereby for ever renounces all claim heretofore advanced by the Government of the said community to exercise a Protectorate over the whole or any portion of territory known as Zululand, and now annexed to and forming portion of Her Majesty's Dominions.

ART. IV. The Government of the South African Republic hereby agrees and engages to use every endeavour, and afford every assistance to the British officer appointed to reside in the South African Republic, with a view to making due provision for the proper care and preservation of the graves of certain Zulu Chiefs, which are situated in the territory hereinbefore defined, as hereinafter more specifically described and set forth, and to that end the said Government agrees and engages to endeavour to procure the consent of the several proprietors of the land whereon the said graves are situated to the expropriation of land and to the enclosure with stone walls of any or all

of the said graves with suitable margin of adjacent ground, and further, to endeavour to procure the consent of such proprietors to the granting of free rights of way to any or all of the said graves, at all reasonable times, to such person or persons as may be approved of and appointed by Her Majesty's Commissioner for Zululand, to attend to and secure the proper care and preservation of any or all of the said graves; provided that the cost of such expropriation or enclosure of land and of caring for and preserving such graves shall not devolve upon or be borne by the Government of the South African Republic.

The following are the names of the Zulu Chieftains and Kings whose graves are situated in the Makosini district:—

1. Umtombela,
2. Uzulu,
3. Nkosinkulu,
4. Mpungu,
5. Umageba,
6. Undaba,
7. Mjama,
8. Senzangokona.

ART. V. This Convention, together with the Convention of London aforesaid (p. 847), shall have full force and effect in respect of the entire territory of the South African Republic, as defined by this Convention and by the Convention of London.

ART. VI. The obligations which the South African Republic takes over from the New Republic with regard to Her Majesty's Government, are limited to the territory of the New Republic, and are subject to the same conditions upon which the engagements rest upon the New Republic.

Signed at Government House, Cape Town, this 20th day of June, 1888.

HERCULES ROBINSON,
High Commissioner.

GRAHAM BOWER,
Imperial Secretary.

Geteekend ten Gouvernements Kantoor te Pretoria, dezen Elfden dag van Juni, 1888.

S. J. P. KRUGER,
Staats President.

W. EDUARD BOK,
Staats Secretaris.

Swaziland.

In 1890 a Convention was signed, at Cape Town, 24th July, and at Pretoria, 2nd August,* between Great Britain and the South African Republic, for the Settlement of the Affairs of Swaziland, which contained the following Clauses with regard to British Jurisdiction.

Recognition of Independence of Swaziland, as recognized by the Convention of London, Confirmed.

ART. I.† The independence of the Swazis, as recognized by the Convention of London of 1884 (p. 856),‡ is affirmed, and no inroad on that independence shall be allowed, even with the consent of the Swazi Government, without the consent of both Her Majesty's Government and the Government of the South African Republic.

Constitution and Machinery of Government.

ART. II.† With the consent of the Swazi Government, expressed in the form of an organic Proclamation by the Queen Regent and Council, the powers and authorities of the Provisional Government Committee, conferred by Proclamation dated the 18th December, 1889, and extended by subsequent Proclamation for a further period, to be continued for an indefinite period, subject to the following alterations and additions, and to the establishment of the following constitution and machinery of Government:—

(*a.*) Each of the three Governments, Her Majesty's Government, the Government of the South African Republic, and the Swazi Government, to have power from time to time to cancel the appointment of its nominated representative in the Government Committee, and to appoint another representative in his stead.

(*b.*) *Appointment of Government Secretary and Treasurer.*

(*c.*) *Establishment of a Chief Court.*

(*d*) *Power and Jurisdiction of such Court.*

* Signed also in the Dutch language.

† Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

‡ H.T., vol. xviii, p. 156. See Convention, Great Britain and South African Republic, 27th February, 1884, Arts. I and XII, p. 847.

(e.) *Subordinate Judicial Appointments.*
(f.) *Jurisdiction of Subordinate Judicial Officers.*
(g.) *Laws to be Administered.*
(h.) *Disputed Concessions to be enquired into by Chief Court.*
(i.) *The Administrative and Executive Powers of the Government Committee.*
(j.) *Recognition by Government Committee of lawfully acquired rights.*
(k.) *Collection of Revenues.*

Enforcement of Observance by Swaziland of Organic Proclamation.

ART. III.* Her Majesty's Government and the Government of the South African Republic mutually guarantee that they will enforce the due observance by the Swazi Government and the Swazis of the provisions of the organic Proclamation aforesaid, and of good and orderly government established thereunder, but no steps shall be taken, and no act be done, by either Government to compel such due observance by force without the approval of the other, which approval shall be deemed to be given if no objection to any such step or act shall be communicated to the Government giving notice of intention to take such step or do such act within two weeks from the date of such notice; provided that either of the said Governments may, upon application by the aforesaid Government Committee, interfere by force in any urgent case to compel such due observance as aforesaid; and provided that, in case of such interference being applied for, the other Government may act upon such application.

ART. IV.*—*Language of Courts of Justice.*

Land Grants.

ART. V.* Saving all existing rights, the sovereignty and ownership of the Swazi nation in respect of all land within the boundaries of Swaziland shall be recognized and respected, but no disposition of any such land, or of any right in respect of such land, and no grant or concession whereby any privileged or exclusive right is granted or conceded, or any right directly

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

or indirectly interfering with the powers and jurisdiction of the Government Committee shall, after the date of such organic Proclamation, be recognized as of any legal validity, unless it shall be made with the approval of Her Majesty's High Commissioner and of the State President of the South African Republic.

Native Laws and Customs.

ART. VI.* The control and management by the Swazi Government of all affairs in which natives only are concerned shall remain unaffected by such organic Proclamation as aforesaid, and shall be regulated according to native laws and customs, save in so far as by such laws and customs any danger may arise affecting good and orderly government under the provisions of the organic Proclamation aforesaid.

Validity of Concessions.

ART. VII.* Her Majesty's Government recognizes the validity of the concessions over and in respect of which the Government of the South African Republic possesses controlling power with respect to postal and telegraphic services, with respect to the construction of railways in Swaziland, and the keeping of refreshment places thereon, and with respect to the making and navigation of waterways and to land surveying.

Construction of Railway across Swaziland.

ART. VIII.* Her Majesty further consents to the acquisition by the South African Republic, under and by virtue of a Treaty with the Queen Regent of the Swazis and her Council, of the ownership of land in Swaziland for the purpose of construction of a railway across Swaziland from the border of the South African Republic, the extent of such land to be three miles in width at the most; provided that—

(*a.*) The sovereignty over land so acquired shall not be deemed to be acquired by the South African Republic, but such land shall in like manner with any other part of Swaziland

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

remain under the Government and Administration of the Government Committee referred to in this Convention; and

(*b.*) Her Majesty shall, if occasion require, have the right of passage across such railway and land so acquired.

Deficiency in Revenue.

ART. IX.* Any deficiency on the revenue for the Government of Swaziland under the organic Proclamation shall, when duly certified according to the rules aforesaid as to accounting and audit, be borne in equal share annually by Her Majesty's Government and the Government of the South African Republic, and any surplus shall be carried over to the account of the next succeeding year.

Non-extension of South African Republic to North or North-West.

ART. X.† The Government of the South African Republic withdraws all claim to extend the territory of the Republic, or to enter into Treaties with any natives or native tribes to the north or north-west of the existing boundary of the Republic, and undertakes to aid and support by its favouring influence the establishment of order and government in those territories by the British South Africa Company within the limits of power and territory set forth in the Charter granted by Her Majesty to the said Company.

Railway. Amatongaland. (Tongaland.)

ART. XI.* Notwithstanding anything to the contrary contained in the Convention of London of 1884,‡ Her Majesty's Government approves of the acquisition by the Government of the South African Republic of Rights under Treaty with the Chieftain Umbegesa and the Queen Zambili of Amatongaland, over a strip of land not exceeding 3 miles in width, north of the 27th parallel of South Latitude, for the construction of a railway or for other purposes between the frontier of Swaziland and the sea-coast at or near Kosi Bay; provided that Her Majesty's Government undertakes to use its influence to obtain

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

† Confirmed by Convention of 10th December, 1894. (App. 25, p. 1035).

‡ Page 847.

a concession to the South African Republic of an area of 10 miles in radius from a point to be mutually agreed upon, situate on the coast of Amatongaland, which area of land shall be deemed to be and to form portion of the territory of the South African Republic.

Recognition of Sovereignty of South African Republic.

ART. XII.* Her Majesty the Queen of the United Kingdom of Great Britain and Ireland agrees to recognize the Sovereignty of the South African Republic in respect of

Land acquired in Amatongaland.

(*a.*) The land acquired as aforesaid by such Treaties as are in the last preceding Article contemplated with the Chieftain Umbegesa and the Queen Zambili of Amatongaland, for the purposes therein referred to;

Navigation of the Pongola River.

(*b.*) So much land, connected with the land acquired from the said chieftain as aforesaid for the purposes aforesaid, as may be acquired for the purposes of the navigation of the Pongola River by the South African Republic by Treaty with the said chieftain, as may not exceed in area an extent of 4 miles as the crow flies in radius from some point within the territory of the said chieftain and on the Pongola River; and

A Strip of Land may be acquired from Chiefs.

(*c.*) A strip of land for constructing a line of railway, or other purposes, which strip of land may be acquired by a Treaty or Treaties with the Chieftains Zambaan and Umbegesa, and shall not exceed 3 miles in breadth, running lengthwise, either from Myawos Hill, along the frontier of Swaziland, or from a point south of that hill along the Pongola River to a point north of the 27th parallel of South Latitude, where such strip of land would cut across the strip of land referred to in the last preceding Article.

Free Navigation of the Pongola River.

ART. XIII.* If by any such Treaty as is referred to in

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

Article XII hereof the right of navigation of the Pongola River is conceded by the Chiefain Umbegesa to the South African Republic, Her Majesty's subjects, and all ships, vessels, or other craft used in the navigation of the said river, and owned in whole or in part by any of Her Majesty's subjects, shall be entitled by such Treaty and by this Convention to the free navigation of the said river without obstruction from, and without the imposition of any duties or charges by, the Government of the South African Republic, or by any persons or company holding rights protected by or derived from the said Government, other or higher than such lowest duties or charges as shall be imposed upon any person, or upon any ship, vessel, or other craft as aforesaid, not owned as aforesaid by any of Her Majesty's subjects.

Railways.

ART. XIV.* In the event of the Government of the South African Republic acquiring rights by Treaty to land for the construction of either or both the lines of railway, or for other purposes, as referred to in Articles XI and XII of this Convention, and notwithstanding the acquisition by the South African Republic of sovereignty in terms of this Convention, in respect of any land under and by virtue of approved Treaty with the Chieftain Zambaan, the Chieftain Umbegesa, or the Queen Zambili of Amatongaland, Her Majesty reserves the right of passage across such lines of railway and all land so acquired by the South African Republic, at places to be mutually agreed upon, the further right to claim convenient facilities for crossing each of the said lines and the said land with one line of railway at the same places, or others conveniently situated, and the right, at any place across either strip of land acquired under paragraph C of Article XII, of passing troops if necessary into Swaziland in accordance with this Convention.

Amatongaland. Treaties to be approved.

ART. XV.* No Treaty entered into in manner recognized by

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

this Convention with the Chieftain Zambaan, the Chieftain Umbegesa, or the Queen Zambili of Amatongaland shall be deemed to be valid and binding until approved of by Her Majesty, in manner provided by Article IV of the London Convention of 1884.

Kosi Bay. Non-surrender of Sovereign Rights.

ART. XVI.* The Government of the South African Republic will in no case, without the approval of Her Majesty's Government, part with the sovereignty, control, or management of Kosi Bay or the harbour works in connection therewith, or the area of land hereinbefore referred to; and will not, without the like approval, enter into any Treaty relating to Kosi Bay, or the said works or area with any Foreign Power.

Kosi Bay. Disputes between South African Republic and Foreign Powers.

ART. XVII.* Should any dispute arise between the Government of the South African Republic and any Foreign Power relative to any act, omission, or alleged default on the part of the said Government in the exercise of its sovereignty in respect of Kosi Bay or the said works or area, the said Government, for the sake of protecting the sovereignty of the South African Republic with regard to the said bay, works, and area, consents to assign to Her Majesty's Government the conduct, on behalf of the Government of the South African Republic, of all diplomatic representations and negotiations with such Foreign Power relative to such dispute. Such representations to be made and negotiations to be carried on in consultation with the Government of the South African Republic.

Kosi Bay, &c. Amatongaland.

ART. XVIII.* The provisions of Article XVI of this Convention shall be construed so as to refer not only to Kosi Bay, the harbour works in connection therewith, and the area of land referred to in the said Article, but also to any other land the sovereignty in respect of which shall be acquired by the

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

South African Republic in terms of this Convention under and by virtue of any Treaty entered into with the Chieftain Zambaan, the Chieftain Umbegesa, or the Queen Zambili of Amatongaland, and approved of by Her Majesty as aforesaid.

Kosi Bay. Sovereign Rights over Land.

ART. XIX.* The Government of the South African Republic consents, in the event of acquisition by it of Kosi Bay as aforesaid, and of sovereign rights over the area of land referred to in Article XI, and over the land referred to in Article XII, to enter with Her Majesty's Colony of the Cape of Good Hope and the Orange Free State, and with such other Colonies or Dependencies of Her Majesty as may then be parties thereto, into the then existing Customs Union Convention; provided that terms and conditions of entrance are conceded with due regard to the existing contracts and to the existing Treaties recognized by Her Majesty's Government, by which the Government, of the South African Republic is bound.

Amatongaland. Customs Union.

ART. XX.* Notwithstanding anything to the contrary contained in any of the preceding Articles of this Convention, and notwithstanding that any Treaty entered into by the South African Republic with the Chieftain Zambaan, the Chieftain Umbegesa, or the Queen Zambili of Amatongaland, shall have been approved of by Her Majesty in manner provided in this Convention, such approval shall be deemed to be conditional upon the entering of the South African Republic into the said Customs Union Convention, and none of the rights or powers conferred by any such Treaty may be validly claimed or exercised by the Government of the South African Republic unless, within six months after the date of Her Majesty's approval in respect of the first of any such Treaties entered into as aforesaid, copy whereof shall be received by Her Majesty's Government in accordance with Article IV of the London Convention of 1884, the Government of the South African Republic shall have entered into the said Customs Union Convention upon

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

terms and conditions agreed upon by and between the said Government and the respective Governments of the Colonies, States, or Territories then parties to the said Convention.

Treaties with Tongaland.

ART. XXI.* If before the expiration of three years from the 8th day of August, either

(*a.*) The Government of the South African Republic shall not have entered into such Treaties as aforesaid with the Chieftain Zambaan, the Chieftain Umbegesa, and the Queen Zambili of Tongaland, or their respective successors; or

(*b.*) Such Treaties, if entered into, shall not have been approved of by Her Majesty in manner provided in this Convention; or

(*c.*) Though such Treaties shall have been entered into and approved of, the Government of the South African Republic shall not have entered into the Customs Union Convention in accordance with Articles XIX and XX,

each party to this Convention shall have the option, at any time before the 8th day of May, 1893, of giving notice, in writing, to the other party that at the expiration of the period of three years aforesaid the force and effect of this Convention shall terminate; provided that

(1.) Such termination shall not bind Her Majesty to recognize as valid any such Treaties as aforesaid, notwithstanding that the same shall have been approved of.

(2.) Such termination shall not affect the binding force and effect of Articles X and XXIV of this Convention.

Customs Duties.

ART. XXII.* The Government of the South African Republic agrees to admit free of any duties of Customs into the South African Republic all articles the produce and manufacture of any State, Colony, or territory bordering on the territory of the South African Republic, into which the produce and manufactures of the South African Republic are admitted free of such duties, subject for such period as it may be a party to the

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

Customs Union Convention to such exceptions as may be thereby prescribed.

Railways.

ART. XXIII.* The Government of the South African Republic undertakes to withdraw all opposition, direct or indirect, to the extension of railways from or through any of Her Majesty's Colonies in South Africa or the Orange Free State to or towards the boundaries of the South African Republic, and further to take into consideration the extension of such railways, subject to all existing rights and Treaties, from the said boundaries into the territory of the South African Republic to the townships of Johannesburg and Pretoria.

Inclusion of the "Little Free State" within the Republic.

ART. XXIV.† Her Majesty's Government consent to an alteration of the boundary of the South African Republic on the east so as to include the territory known as the Little Free State within the territory of the South African Republic.

Ratifications.

ART. XXV.* This Convention will be ratified by the Volksraad of the South African Republic, on or before the 8th day of August, 1890,‡ and in default of such ratification this Convention shall be null and void.

Signed and sealed at Cape Town, this 24th day of July, 1890.

(L.S.) HENRY B. LOCH,
High Commissioner.

Signed and sealed at Pretoria, this 2nd day of August, 1890.

(L.S.) S. J. P. KRUGER,
State President of the South African Republic.

D. W. J. LEYDS, *State Secretary.*

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

† Confirmed by Convention of 10th December, 1894. (App. 25, p. 1035.)

‡ Ratified by the Volksraad, 13th August, 1890, p. 878; approved by the British Government, 25th September, 1890, p. 879.

Approval of the above Convention by the Volksraad of the South African Republic.

(1.) *Resolution of Volksraad.* 13*th August*, 1890.

THE Volksraad having had under its notice the Convention concluded on the 2nd of August at Pretoria, between the South African Republic and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, observing with regret that Her Majesty's Government is still unwilling to agree to provisions by which the just claims and rights of this Republic are acknowledged, nevertheless wishing to maintain and to strengthen friendly relations with Her Majesty's Government, also considering and trusting in the promise of Her Majesty's Government, namely, that when the joint Government in Swaziland shall have been established, and the Concession Claims shall have been settled, such questions shall be taken into consideration as the Government of the South African Republic may lay before Her Majesty's Government with the desire to meet, as far as possible, the wishes of the South African Republic, regarding the said Convention for that reason as a transition measure, considering that it is desirable to make it apparent that the approval of the said Convention shall not be regarded as the relinquishing of rights and claims which the Republic has on territory situate to the east of that Republic, and expressly reserving to itself those rights and claims, further considering that it is necessary for the Republic not to make itself a party in questions which may exist or may arise between Her Majesty's Government and other governments, with respect to territory situate to the north and north-west of the Republic, and expressly declaring that the ratification of the said Convention is not making itself a party in any sense whatsoever; lastly, considering that it is impossible to cause Article XXII of the said Convention to be of force and effect, so long as the South African Republic does not enter into the Customs Union Convention, resolves, on condition that Article XXII of the Convention shall be of force and effect only during the time when the South African Republic shall be a party to the Customs Union Convention, to express its approval of the

said Convention: further, considering the fact that it is necessary for the preservation of safety, peace, and order on the north-western and northern borders of the Republic, that certain lands on those borders, now, in terms of the Convention, situate outside the territory of the Republic, upon which Kaffir tribes are settled, who also live partly within the territory of the Republic, and also lands upon which Kaffir tribes had been settled, who have been driven thence and have fled within the territory of the Republic, to which lands those Natives still make a claim, shall be annexed to the territory of the Republic, further resolves to instruct the Government to negotiate with Her Majesty's Government for the purpose of obtaining the annexation of these pieces of land to the territory of the Republic.

*Approval and Ratification of the above Convention by the British Government.**

(2.) *Lord Knutsford to Sir H. B. Loch.* 25*th September*, 1890.

I HAVE the honour to convey to you the final approval, ratification, and adoption by Her Majesty's Government of this Convention, and to signify their confirmation of your action in affixing your signature to it.

* Determined by Convention of 10th December, 1894, with the exception of Arts. X and XXIV. (App. 25, p. 1029.)

SPAIN.

SPAIN.

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No. 180.—*Notes on SPANISH POSSESSIONS IN AFRICA.* 1479–1893.

*Canary Islands.**

In 1479 the Canary Islands were ceded by Portugal to the Crown of Castile, in whose possession they have remained ever since.

*Melilla.**

In 1490 Melilla came into the possession of Spain.

*Fernando Po and Annabon.**

On the 1st March, 1778, Portugal engaged by Treaty to cede the Islands of Fernando Po and Annabon to Spain, and the Act of Cession was signed on the 24th October, 1778 **(No. 181)**.

*Ceuta.**

In 1580 Ceuta, which had been captured by King John I. of Portugal in 1415, came into the possession of Spain, together with the Crown of Portugal, and was confirmed as Spanish in 1640.

On the 25th August, 1844, a Treaty was concluded between Spain and Morocco, in which the limits of Ceuta were defined to be as follows:—"The first of these limits is from the sea to the Barranca Hafats Accadar, in the portion of the Tinidac, as far as the Jandac—Bab-el-Arais Sea (Barranca of the las Novias Gate), which is the bed of the waters in the rainy season; and the first limit on the right-hand side passing at the Barranca Larais is within the limits of Ceuta, and the left side belongs to the Moors."

On the 7th October, 1844, the above Treaty was confirmed **(No. 184)**.

Ceuta, Larache, Melilla, &c.

On the 6th May, 1845, another Treaty was signed between Spain and Morocco relative to the Ceuta—Larache frontiers,

* Taken from various Geographical Works.

and for the proper conduct of the Moors on the frontier of Melilla, Alhucemas, and Peñon de la Gamera (**No. 185**).

On the 24th August, 1859, another Convention was concluded between Spain and Morocco for the extension of Spanish jurisdiction near Melilla, &c. (**No. 186**).

On the 26th April, 1860, another Treaty was concluded between Spain and Morocco for the extension of the jurisdiction of the Spanish fortress of Ceuta (**No. 187**).

And on the 30th October, 1861, another Treaty was concluded between Spain and Morocco respecting the limits of the fortress of Melilla (**No. 188**).

Cape Spartel Lighthouse.

Spain was a party to the International Convention signed at Tangiers on the 31st May, 1865, respecting Cape Spartel lighthouse (**No. 172**).

North-West Coast of Africa.

On the 9th January, 1885, the Spanish Government gave formal notice of the extension of Spanish protection over certain territories on the North-West Coast of Africa, extending from Cape Blanco to Cape Bojador (**No. 182**); and on the 6th April, 1887, a Spanish Decree was issued, placing this territory under the charge of the Spanish Governor-General of the Canary Islands (p. 887).

West Coast of Africa.

The Spanish claim to territory on the West Coast of Africa apparently extends from the River Campo down to Santa Clara, that is to say, to the northern frontier of the French Colony on the River Gaboon, including Cape St. John, the Mooney (Mani or Danger) River, Corisco Bay, Corisco and Elobey Islands in that bay, and Estciras on the mainland, south of the Moondah River. This claim, however, is disputed by France, a Joint Commission has sat in Paris on several occasions since 1886 in the hope of bringing about a satisfactory settlement of this dispute, but hitherto without success.

No. 181.—*ACT of Cession, on the part of Portugal, of the Island of Fernando Po, to Spain. 24th October,* 1778.*

(Translation.)

In the year, from the birth of our Lord Jesus Christ, 1778, on the 24th of October, in this Island of Fernando Po, there being present, commissioned by the Most Faithful Queen, our Lady, the Most Illustrious Dom Fro. Luis Caetano de Castro, Gentleman of the Household of the same Sovereign Lady, Knight of the Order of Malta, and Captain of Sea and War, Commander of the ship "Our Lady of Grace," and, on the part of the Catholic King, the Most Illustrious the Conde de Argelexos, likewise commissioned by his Sovereign, and besides these two, there being also present those who accompanied them; it was declared before me, the Clerk of the above ship, that he, Dom Fro. Luis Caetano de Castro, in virtue of the orders of, and of the Commission which he had received from, the Most Faithful Queen, our Lady, and by the best form and mode of right, did cede and resign all the jurisdiction, royalties, dominion, demand, and right, which his Sovereign Lady had in this Island of Fernando Po, to the person of the Catholic King, for that Sovereign and his successors, to enjoy and possess it as their own, and as an appurtenance annexed to the Kingdom of Spain, to which end, by virtue of the powers he possessed, he declared the island to be dismembered from the Kingdom of Portugal; and, pursuant to the above Commission, the Most Illustrious the Conde de Argelexos declared that he accepted, on the part of his Sovereign, the cession just mentioned, and, in virtue of the same, and of the power conferred upon him, he scattered some earth in the air, plucked some branches from the trees, and performed all the other acts of occupation; proclaiming in a loud voice, which all distinctly heard, that, in fulfilment of the Commission which he held from the Catholic King, his Sovereign, he took possession of this Island of Fernando Po, as appertaining to the Kingdom of Spain; to the end that, from this day forward, the inhabitants

* S.P., vol. xvi, p. 268.

of it should acknowledge the said Sovereign for their Sovereign King, with full and supreme power; and I, João Ramos de Silva Mallos, Clerk to the ship "Our Lady of Grace," took the same down in writing, by order of the Most Illustrious Dom Fro. Luis Caetano de Castro; the whole being witnessed by all the Undersigned, who subscribed it, together with myself and the two Commissioners, in this Bay of Fernando Po, on the 24th of October, 1778.

FR. LUIS CAETANO DE CASTRO.
CONDE DE ARGELEXOS.

The Clerk of the Ship "Our Lady of Grace,"
JOAO RAMOS DE SA MALLOS.
(and 8 more signatures).

Islands of Fernando Po and Annabon.

NOTE.—By Art. XIII of the Treaty of Pardo, concluded between Spain and Portugal on the 1st of March, 1778,* Portugal engaged to cede to Spain the Island of Fernando Po and the small Island of Annabon, to the South of Fernando Po, in compensation for cessions made by Spain to Portugal by the Preliminary Boundary Treaty of 1st October, 1777, in order that the subjects of the Crown of Spain might establish themselves there, and from thence pursue their commerce and the trade in slaves.

Temporary Occupation of Fernando Po by British Slave Trade Commissioners.

In 1829 the British Slave Trade Commissioners were removed from Sierra Leone to Fernando Po, and a British establishment formed on that island for the sole object of executing the then existing Treaties for the suppression of the Slave Trade; but an assurance was given to the Spanish Government (28th October, 1830) that the British Government fully recognized the right of Spain to the sovereignty, property, and possession over that island, and in 1833 the British establishment was withdrawn.

* Martens', Recueil. Tome 1, pp. 634—709.

No. 182.—*SPANISH Notification of the Extension of Spanish Protection over certain Territories on the North-west Coast of Africa. 9th January,* 1885.

(1.) *The Marquis de Casa Laiglesia to Earl Granville.*—(*Received 12th January.*)

(Translation.)

Spanish Legation, London, 9th January, 1885.

My Lord,

By order of my Government, I have the honour to bring to your Excellency's notice that, as solicited on different occasions by the Spanish African and Colonists Society and the Canary-African Fisheries Society, considering the importance of the Spanish Settlements established on the Gold River (Rio Oro) (latitude 23° 36′ north, longitude 9° 49′ west), at Angra de Cintra (latitude 23° 6′ north, longitude 10° 0′ 1″ west), and at Western Bay (latitude 20° 51′ north, longitude 10° 56′ west),* on the Western Coast of Africa, and in view of the documents which the independent tribes of this part of the coast, who have on various occasions solicited and obtained Spanish protection, have signed before the representative of the Spanish African and Colonists Society, Don Emilio Bonelli, during the expedition which took place in November last, on board the ship of war "Ceres," in conjunction with Captain Don Pedro de la Puente, His Majesty the King, my august Sovereign, desirous of giving proof of the solicitude with which he endeavours to advance the industrial and commercial interests of Spain, has been pleased to confirm the Acts of Adhesion signed before Señor Bonelli, and to take under his protection the territories of the Western Coast of Africa comprised between the fore-mentioned Western Bay and Cape Bojador (latitude 26° 8′ north, longitude 8° 17′ west), and in

* Cape Blanco.

which are included, besides the points stated, Las Puntas and La Bombarda, without prejudice to the existing proved rights of third parties.

I avail, &c.,
MARQUIS DE CASA LAIGLESIA.

British Acceptance of the above Notification.

(2.) *Earl Granville to the Marquis de Casa Laiglesia.*

M. le Ministre, *Foreign Office, 28th January*, 1885.

I HAVE the honour to acknowledge the receipt of your note of the 9th instant, stating that His Majesty the King of Spain has been pleased to take under his protection, without prejudice to the existing rights of third parties, the territories of the Western Coast of Africa as therein detailed.

I have, &c.,
GRANVILLE.

[On the 6th April, 1887, a Spanish Decree was issued, placing the above territory under the charge of the Spanish Governor-General of the Canary Islands, &c.

The following is an extract from that Decree, in the language in which it was published of the "Madrid Gazette" of April 7th, 1877:—

"Artículo 1.° Los territorios de la costa Sahárica comprendidos entre la bahía del Oeste del cabo Blanco, situada á los 20 grados 51 minutos de latitud Norte, y 10 grados 56 minutos de longitud Oeste, y el cabo Bojador colocado á los 20 (sic) grados ocho minutos de latitud Norte, y ocho grados 17 minutos de longitud Oeste, quedan incorporados á la Capitanía general de las islas Canarias."]

No. 183.—*NOTES exchanged between Spain and Italy, respecting the establishment of a Spanish Naval Station in Assab Bay. Rome, December*, 1887.*

No. 1.—*The Spanish Minister Plenipotentiary at Rome to the Italian Minister for Foreign Affairs.*

(Translation.)

M. le Ministre, *Rome, December* 2, 1887.

In resuming the correspondence which took place with your Excellency and with your predecessor, M. Depretis, in June last respecting the cession of territory on the coast of the Red Sea which my Government wishes to acquire in order to establish there a naval station and coaling depôt for vessels belonging to the Spanish navy proceeding to or from our Possessions in the East, I have the honour to propose the following conditions which are similar to those recently accorded to Germany with regard to the station on the Island of Fernando Po:—

1. The Government of His Majesty the King of Italy will cede to His Majesty the King of Spain the territory on the coast comprised between Ras Garibal (Sentenil Point) and Ras Marcana, in Assab Bay, at 2 miles distance from the town of that name. The said territory has a sheltered anchorage at the Island of Om-el-Bahar, and can afford a safe harbour and protection from the winter monsoons for two or three vessels of different tonnage.

2. The concession of this right shall be for a period of at least 15 years, and shall continue for an indefinite period unless the Convention be denounced by one of the two countries. The denunciation shall in any case be made one year in advance.

3. This concession in no way diminishes or alters the sovereignty of Italy over the territory ceded.

4. In the event of war between Italy and any other country, the naval station shall be considered entitled to all the guarantees permitted by international law.

* S.P., vol. lxxix, p. 775.

The last clause does not exclude the possibility of making use of the station when, for a military object, it may eventually be convenient to do so, and further, Italy reserves an absolute right to prevent any other country using such station to the prejudice of the former.

If your Excellency agrees to the foregoing proposals authorized by my Government, I have to request that, in order to give them diplomatic force and character, they may be communicated to me in the reply which your Excellency may direct to be given to this note, and which will complete the reciprocal agreement between the two Governments.

I have, &c.,

EL CONDE DE RASCÓN.

Signor Crispi.

No. 2.—The Italian Minister for Foreign Affairs to the Spanish Minister Plenipotentiary at Rome.

(Translation.)

M. le Ministre, *Rome, December* 13, 1887.

THE note which your Excellency was good enough to address to me on the 2nd instant resumes, in the following terms, the negotiation carried on between the Royal Government and the Government of Her Majesty the Queen-Regent respecting the cession in favour of Spain of a zone of territory in the Italian possessions in the Red Sea, in order to establish there a naval station and coaling depôt:—

[Here follow the conditions in the terms contained in the note of the 2nd December, 1887, p. 888.]

In conclusion, your Excellency expressed the desire that I should at once consent to the conditions laid down by you in virtue of the authorization received from your Government, in order that they might receive diplomatic force and character by their formal communication, and that the exchange of notes between us should constitute the reciprocal Agreement between the two Governments.

Having attentively examined your Excellency's note to me,

and carefully compared it with the documents relating to the negotiations which have led to this result, I have the satisfaction to notify that the Royal Government accepts and ratifies, on its part, the conditions enumerated by your Excellency in your note of the 2nd December, the Agreement between the two Governments being thus fully and perfectly established on the basis of those conditions.

I have, &c.,
F. CRISPI.

El Conde de Rascón.

No. 184.—*TREATY between Spain and Morocco respecting the limits of Ceuta. Concluded on the 7th October*, 1844.*

(Translation.)

PRAISE be to God! The Imperial Order to which obedience is due, having reached the present official at the Port of Tangier (defended by God) for replacing the limits of Ceuta as they were in the days of the predecessors of our master, to whom may God lend his aid, the above-mentioned official has ordered in virtue of the Imperial command, these limits to be replaced in their primitive condition, in conformity with Article I, and his answer, of the Treaty of the 9th Schaabars of the year of the date (25th August, 1844†), such as they were in the time of our master, protected by God, and in the time of his predecessors the generals and the purified; and that posts and demarcations be set up, so that there should remain no doubt or motive for discussion, in the presence of the Mediators between the two Governments, the Agent and Consul-General of the Queen of Great Britain, Drummond Hay; of the Consul-General Plenipotentiary and Chargé d'Affaires of Spain on behalf of the Queen, Don Antonio Ordonez; of the Official of Cabila de Angera, Sheikh Mohammed-ben-Tay-et-Canchua; and of the Kaïd of the Guard of Ceuta, and the actual Resident, Cid Ahmed-el-Assary.

Limits of Ceuta Defined.

The above have all presented themselves to verify the limits, and they have found visible remains of those which formerly existed. The first of these limits is from the sea to the Barranca Hafats Accadar, in the portion of the Tinidac, as far as the Jandac-Bab-el-Arais Sea (Barranca of the las Novias Gate), which is the bed of the waters in the rainy season; and the first limit on the right hand side passing at the Barranca Larais, is within the limits of Ceuta, and the left side belongs to the Moors; and the mediating agent set up marks mentioned at

* S.P., vol. xxxiv, p. 1273.

† See p. 882.

the same limits, so that pillars of materials or of other things may be constructed in large numbers and without opposition.

The said Mediator also set up and placed on the flat ground between the two Barrancas above mentioned, a pillar of stones, with the object of better designating the ancient limits, such as they were formerly; and each of the parties shall be at liberty to make use of the water from a spring which is situated at the end of the Barranca of Larais, on the Ceuta side, and place within these limits the goods they may deem necessary.

One copy of this document was drawn up on the 23rd of Ramadan-el-Mecadem, 1260, corresponding with the 7th October, of the year of the Messiah, 1844.

(L.S.) E. W. A. DRUMMOND HAY.
(L.S.) ANTONIO DE BERAMENDI.

The servant of the Court reared by God, to whom may God in his generosity be gracious.

(Seal of the Pasha.) BUSILHAM-BEN-ALI.

No. 185.—*TREATY between Spain and Morocco, relative to the Frontiers of Ceuta-Larache, 6th May, 1845.*[*]

[Concluded under the mediation of Sir John Henry Drummond Hay, British Agent and Consul-General in Morocco.]

(Translation.)

Frontiers of Ceuta to be Re-established.

ART. I. The Frontiers of Ceuta shall be re-established in the state they were formerly, and in conformity with Article XV of the Treaty of Peace in force.† This has been executed and accomplished in all its details on the 7th October last (23 of Ramadan, 1260) (No. 1), as is mentioned in the above-said Treaty between Her Majesty the Queen of Spain and the Sultan of Morocco.

Conduct of Moors on Frontier of Melilla, Alhucemas, and Penôn.

ART. II. The Sultan of Morocco shall give orders to the Moors on the frontier of Melilla, Alhucemas, and Penôn de la Gomera, that they may, in future, conduct themselves properly towards the inhabitants of these places, and towards the ships which shall approach their coasst.

ART. III.—*Export Duties.*

ART. IV.—*Satisfaction of Spain at Reprimand addressed to Governor of Mazagan and at Salute to Spanish Flag, &c.*

[*] S.P., vol. xxxiv, p. 1274.
† See p. 891.

No. 186.—*CONVENTION between Spain and Morocco, extending the limits of the jurisdiction of Melilla, and establishing the adoption of measures necessary for the security of the Spanish Fortresses on the Coast of Africa, concluded at Tetuan on the 24th August,* 1859.*

[*Confirmed by Treaty of 26th April,* 1860.† *Ratified on the 26th May,* 1860.]

(Translation.)

Preamble.

Cession to Spain of additional Territory near Melilla.

ART. I. His Majesty the King of Morocco being desirous of giving His Catholic Majesty an evident mark of the good sentiments with which he is animated, and wishing to contribute, in so far as it depends upon him, to the safe guarding and security of the Spanish places on the coast of Africa, agrees to cede to His Catholic Majesty the possession and full sovereignty of the territory in the vicinity of the Spanish place, Melilla, as far as the points most suitable for the defence and tranquility of this Fortress.

Limits of Cession to be fixed by Engineers.

ART. II. The limits of this concession shall be fixed by Spanish and Maroquine engineers, who shall adopt as their basis of operations, for fixing the extension of the said limits, the range of a piece of cannon of 24 of the old make.

Formal Transfer of Territory to be made.

ART. III. In the shortest space of time possible, from the day of the signature of the present Convention, and as laid

* Tratados de España. Don Florencio Janer., p. 192.
† Archives Diplomatiques. 1861, vol. iii, p. 332.

down in Article II, the tracing of the line, which goes from the north side to the south side of the place, and which in future shall be the limit of the territory and jurisdiction of Melilla, shall be proceeded with by common consent and with suitable solemnity.

Neutral Ground between Moorish and Spanish Territories.

ART. IV. Between the territories subject to Spanish and Maroquine jurisdiction, a neutral ground shall be determined. The limits of this ground shall be, on the Melilla side, the line of Spanish jurisdiction laid down in the Act of Delimitation, to which Article III relates, and on the Riff side, the line which shall be determined by common consent as the line of separation between the territory under the jurisdiction of the King of Morocco and the neutral ground above mentioned.

Moorish Guards to be placed near Melilla.

ART. V. His Majesty the King of Morocco engages to place on the limit of the territory on the frontier of Melilla, a Caïd or Governor with a detachment of soldiers, so as to repress any act of aggression on the part of the inhabitants of Riff, which might tend to interfere with the good relations between the two Governments.

Moorish Guards at Penôn and Alhucemas.

ART. VI. With a view of preventing the hostilities, which at various times have had for their object the places of Penôn and Alhucemas, His Majesty the King of Morocco, moved by the just desire with which he is animated, shall give the necessary orders for establishing in the vicinity of these places a Caïd with sufficient troops to cause the rights of Spain to be respected, and to favour efficaciously the free entry into these towns of food and rations necessary for their garrisons.

The detachments, which are to be placed on the frontier of Melilla or in the neighbourhood of Penôn and Alhucemas, shall

be solely composed of troops of the Maroquine army, chiefs or troops from Riff shall not be permitted to be placed there or charged with this duty.

(L.S.) JUAN BLANCO DEL VALLE.

The servant of His Majesty whom may God exalt,

(L.S.) MOHAMMED EL JETIB, to whom may God be propitious.

No. 187.—*TREATY of Peace and Amity, between Spain and Morocco. Signed at Tetuan, 26th April,* 1860.*

[Ratifications exchanged, 26th May, 1860.]

Extension of Jurisdiction of Spanish Fortress of Ceuta.

ART. II. In order to make the causes disappear which gave rise to the war now happily terminated, His Majesty the King of Morocco, actuated by his sincere desire to consolidate peace, consents to extend the territory under the jurisdiction of the Spanish Fortress of Ceuta, as far as the points most convenient for the complete security and defence of the garrison in that place, in the manner agreed upon in the following Article.

Cession of Territory by Morocco to Spain. Boundaries.

ART. III. In order to carry into effect what is stipulated in the preceding Article, His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominions and sovereignty, the territory included between the sea and along the heights of Sierra Bullones, and the ravine of Angera, as a consequence of the above, His Majesty the King of Morocco cedes to Her Majesty the Queen of Spain, in full dominion and sovereignty the whole of the territory comprised from the sea, starting, as near as possible, from the eastern point of the first bay of Handag-Rahma, on the north coast of the garrison of Ceuta, at the ravine or gully, which there terminates, rising to the east side of the ground where the prolongation of the Monte del Renegado, which runs in a similar direction from the coast, is the most abruptly depressed, and terminates in a scarped eminence of shaly stone, descending along the margin from the entrance of the neck that is there situated, by the skirt of declivity of the mountains or slopes of Sierra Bullones, on the principal summits of which are the redoubts of Isabel

* S.P., vol. li, p. 928. Altered by Treaty of 30th October, 1861, p. 893.

Sequinda, Francisco de Asis, Pinier, Cisneros, and Principe Alfonso, in Arabic Vad-Arriat, and terminates at the sea, after forming altogether a semicircle that ends in the bay of the Principe Alfonso, in Arabic Vad-Arriat, which is the south coast of the aforesaid garrison of Ceuta, according to what has already been determined upon by the Spanish and Moorish Commissioners, as stated in the document drawn up and signed by them on the 4th of April of the present year.

Neutral Ground.

In order to maintain these boundaries, there shall be established neutral ground extending from the slopes on the opposite side of the ravine to the summits of the mountains from one side of the sea to the other, as is stipulated in the Act referred to in the present Article.

ART IV. *Boundary Commissioners to be Appointed.*

Treaty of 24th August, 1859, to be Ratified.

ART. V. His Majesty the King of Morocco shall ratify as soon as possible the Convention which the Plenipotentiaries of Spain and Morocco signed at Tetuan on the 24th of August of the last year (1859).*

Confirmation of Territorial Concessions, &c.

His Maroquine Majesty confirms from this day the territorial concessions which by that international compact were made in favour of Spain, and the guarantees and privileges

Moorish Guards at Penôn and Alhucemas.

and (all that relates to) the Moorish Guards at Penôn and Alhucemas, as expressed in Article VI of the Convention in question, with reference to the frontier lines of Melilla.

Moorish Guards on Frontier Lines of Neutral Ground. Ceuta and Melilla.

ART. VI. On the frontier lines of the neutral ground, ceded by His Majesty the King of Morocco to the Spanish

* Page 894.

garrisons of Ceuta and Melilla, a Kaid, or Governor, shall be placed by His Majesty the King of Morocco, with regular troops, to prevent and repress assaults on the part of the

Moorish Guards at Penôn and Alhucemas.

tribes; the Moorish guards who are to serve at the garrison of Penôn and Alhucemas, shall be placed on the sea shore.

Territory ceded to Spain to be respected by Moorish Subjects.

ART. VII. His Majesty the King of Morocco engages to cause the territory which, by virtue of the stipulations of this Treaty remains under the Sovereignty of Her Majesty the Queen of Spain, to be respected by his own subjects.

Right of Spain to erect Forts, &c., to defend ceded Territories.

Her Catholic Majesty shall, nevertheless, have the right to adopt all the measures she may deem necessary for the security of the same, erecting on any part of them the fortifications and defences which may be thought convenient, without any obstacle whatever being put by the Moorish authorities.

Cession to Spain of Ground near Santa Cruz la Pequeña for Fishing establishment.

ART. VIII. His Maroquine Majesty engages to cede for ever to Her Catholic Majesty on the coast of the ocean close to Santa Cruz la Pequeña,* ground that shall be sufficient for the formation thereon of a fishery establishment, similar to that which Spain possessed there in ancient times.

Limits to be defined by Commissioners.

In order to carry into effect the stipulation contained in this Article, the Governments of Her Catholic Majesty and His Maroquine Majesty shall come to a distinct understanding with

* Called in the Arabic version of the Treaty "Agadir." As soon as this Treaty was signed, a question arose as to the exact locality where the cession was intended to be made.

each other, and appoint Commissioners on either side to mark out the ground and limits which the establishment referred to should have.

ART. IX. *War Indemnity.* 20,000,000 *dollars, to be paid by Instalments. Spanish Troops to remain in occupation of Tetuan, &c., until full payment be made.*

ART. X. *Spanish Missionary Station at Fez. Protection of all Spanish Missionaries and their Property.*

ART. XI. *Piece of Ground to be granted near Spanish Consulate at Tetuan for erection of a Spanish Church.*

ART. XII. *Permission to Spanish Representative to reside at Fez or any other City in Moorish Dominions.*

No. 188.—*TREATY of Peace between Spain and Morocco. Signed at Madrid, 30th October,* 1861.*

DIFFERENCES having arisen respecting the fulfilment of the Melilla Boundary Convention of 24th August, 1859 (**No. 186**), and the Treaty of 26th April, 1860 (**No. 187**), another Treaty was concluded between Spain and Morocco on the 30th October, 1861, which contained the following stipulations:—

Spanish Evacuation of Tetuan.

ART. I. The Spanish troops shall evacuate the city of Tetuan and its territory as soon as the delivery of 3,000,000 of dollars in cash to the persons commissioned by the Government of Her Majesty the Queen to receive them shall be effected.

ART. II. *War Indemnity to be paid with Half the Produce of the Moorish Custom Houses.*

ART. III. *Date of commencement of Payment of Customs Receipts.*

Limits of Fortress of Melilla.

ART. IV. The demarcation of the limits of the fortress of Melilla shall be made in conformity with the Convention of 24th August, 1859 (**No. 186**), confirmed by the Treaty of Peace of 26th April, 1860 (**No. 187**). The surrender of those limits to the Government of Her Majesty the Queen of Spain shall inevitably take place before the evacuation of the city of Tetuan.

ART. V.† *A Commercial Treaty to be signed before Evacuation of Tetuan.*

ART. VI. *Establishment of House of Missionaries at Tetuan.*

ART. VII. *Conditions of Stipulations of Treaty to be fulfilled within Five Months.*

* S.P., vol. liii, p. 1052. This Treaty was confirmed by Art. LXI of the Commercial Treaty, of 20th Nov., 1861. S.P., vol. liii, p. 1089.

† A Treaty for regulating the commercial relations between the two countries, the attributes and privileges which Spanish Consuls might enjoy in Morocco, Consular Jurisdiction, and other matters, was concluded at Madrid on the 20th November, 1861. S.P., vol. liii, p. 1089.

[Limits of Fortress of Melilla, &c.]

Confirmation of Articles of Treaty of 26th April, 1860, not Modified or Abrogated.

ART. VIII. The Articles of the Treaty of Peace of 26th April, 1860 (**No. 187**), which have not been modified or abrogated by the provisions of the present Treaty remain in full force and vigour.

This Treaty shall be ratified at the earliest date possible, and the exchange of the Ratifications shall be effected at Tangiers within a period of twenty days.

In October—November, 1893, hostilities ensued between the authorities of the Spanish Fortress and Territory of Melilla and the Moors in the neighbourhood; but which was terminated by a Treaty signed in the City of Morocco, on the 5th March, 1894. The following is an abstract of its stipulations:—*

ART. I. Riffinian authors of occurrences of October—November, 1893, to be punished, in accordance with Treaty of 26th April, 1860 (p. 897).

ART. II. Demarkation of Boundaries of Fortress of Melilla and its neutral ground, in accordance with Convention of 24th August, 1859 (p. 894), and Act of 26th June, 1862 (p. 897). Commissioners to be appointed. Neutral zone to be evacuated by present inhabitants.

ART. III. Cemetery and Mosque of Sidi Aguariach.

ART. IV. A Moorish Caid, with a detachment of troops, to be maintained in the neighbourhood of Melilla, and of the Spanish Fortresses of Chafarinas, the Rock of Los Velez or La Gomera, and Alhucemas, in conformity with Treaties of 24th August, 1859 (p. 894), and 26th April, 1860 (p. 897).

ART. V. Appointment of Moorish Pacha for district of Melilla; his powers.

ART. VI. 4,000,000 dollars to be paid by Morocco to Spain, by instalments, as indemnity for events of October—November, 1893. Right of Spain to "intervene" in Moorish Custom-houses, in event of indemnity not being punctually paid. No loan to be negotiated by Morocco until indemnity be paid.

ART. VII. Convention to be ratified.

* Spanish Red Book. "Affairs of Morocco," 1894.

SWAZILAND.

No. 189.—*NOTES on Swaziland*, 1881—1894.

On the 3rd August, 1881, a Convention was concluded between Great Britain and the Transvaal (South African Republic), by Article XXIV of which the Independence of the Swazis was recognized within certain boundaries which were described in Article I of that Convention (p. 847).

On the 27th February, 1884, another Convention was concluded between Great Britain and the South African Republic, to replace the Convention of 1881. By Article I of this Convention, the South Western Boundary of Swaziland was amended, and the independence of the Swazis declared (by Article XII) to be recognized, within the boundary line of Swaziland as indicated in Article I of that Convention (p. 856).

A dispute having arisen respecting the South West Boundary of the Republic, it was referred to the arbitration of the President of the Orange Free State, who pronounced his decision on the 5th August, 1885 (p. 858).

On the $\frac{\text{24th July}}{\text{2nd August}}$, 1890, a Convention was signed between Great Britain and the South African Republic, for the settlement of the affairs of Swaziland (p. 868), and on the 8th November, 1893, another Convention was signed with the same object; but on the 19th December, 1894,* another Convention was signed in substitution of those two Conventions, which confirmed Article X of the Convention of 1890 (which stipulated for the non-extension of the South African Republic, and the non-conclusion of Treaties with Native States or Tribes to the north or north-west of the existing boundary of the Republic), and Article XXIV (which provided for the inclusion of the "Little Free State" within the territory of the South African Republic).

* See App. 25, p. 1029.

TUNIS.

TUNIS.

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No. 190.—*Notes on TUNIS.* 1863–1881.

Coral Fishery. Island of Tabarque.

On the 8th August, 1830, a Commercial Treaty was concluded between France and Tunis, by Article V of which the Bey of Tunis restored to France the exclusive right to the coral fishery, from the limits of the French Possessions as far as Cape Negro, such as they were possessed by her before the war of 1792. It was further agreed that the ancient properties, buildings, ships, and various erections on the Island of Tabarque should also be restored.

A further Convention respecting the coral fishery and the grant of a residence to the French Agent on the Island of Tabarque was signed between France and Tunis on the 24th October, 1832.*

Holding of Real Property by British Subjects.

On the 10th October, 1863,† a Convention was concluded between Great Britain and Tunis, which admitted the right of British subjects to hold real property in Tunis, subject to local laws and regulations;

Boundaries.

On the 23rd October, 1871,‡ a Firman was addressed by the Sultan to the Pasha or Bey of Tunis, which contained the following passage with regard to the boundaries of that province:—"In accordance with the request contained in the Report which you have recently submitted to us, we confirm you in the government-general of the said 'Eyalet' or province of Tunis, which will retain its boundaries, such as they exist *ab-antiquo*, while granting you, in addition, the privilege of hereditary succession;" on certain conditions which were specified.

* S.P., vol. xix, 1052; vol. xxii, p. 1352.
† H.T., vol. xi, p. 1118.
‡ S.P., vol. lxi, p. 104.

British Consular Jurisdiction. Real Property, &c.

On the 19th July, 1875,* a General Convention was concluded between Great Britain and Tunis, for revising and improving the Treaties previously concluded between the two countries. By this Convention, the Convention of 10th October, 1863, was expressly confirmed (see Articles V, XVII, and XLII). By Article V it was also declared that British subjects, vessels, commerce, and navigation should enjoy, without any restriction or diminution, all the privileges, favours, and immunities which were then, or which might thereafter be granted to the subjects, vessels, commerce, and navigation of any other nation whatever. This Convention also contained stipulations, among others, with regard to the exercise of jurisdiction in criminal and civil cases by Her Majesty's Agent and Consular Officer in the Regency.

In the spring of the year 1881 disputes arose between the French Government and the Bey of Tunis, which led to hostilities; they were, however, terminated by the following Treaty which was signed at Casr-Said, on the 12th May, 1881 :—†

Treaty of Peace between France and Tunis.

(Translation.)

"The Government of the French Republic and that of His Highness the Bey of Tunis, wishing to prevent for ever the renewal of the disturbances which have recently occurred on the frontiers of the two States and on the Tunisian coast, and being desirous of drawing closer their ancient relations of friendship and good neighbourhood, have determined to conclude a Convention to this effect, in the interest of the two High Contracting Parties.

"In consequence, the President of the French Republic has named as his Plenipotentiary M. le General Bréard, who has agreed with His Highness the Bey upon the following stipulations :—

* H.T., vol. xiv, p. 541.
† S.P., vol. lxxii, p. 247.

Confirmation of existing Treaties between France and Tunis.

"ART. I. The Treaties of Peace, Friendship, and Commerce, and all other Conventions actually existing between the French Republic and His Highness the Bey of Tunis, are expressly confirmed and renewed.*

Temporary Occupation by French Troops of certain points in Tunis.

"ART. II. With a view of facilitating the accomplishment by the French Republic of the measures which it will have to take in order to attain the end proposed by the High Contracting Parties, His Highness the Bey of Tunis consents that the French military authorities should occupy the points which they may deem necessary to ensure the re-establishment of order and the security of the frontiers and of the coast.

French Occupation to cease on re-establishment of Order.

"This occupation shall cease when the French and Tunisian military authorities shall have recognized by common consent that the Local Administration is capable of guaranteeing the maintenance of order.

French assistance to be afforded to the Bey.

"ART. III. The Government of the French Republic undertakes to give constant support to His Highness the Bey of Tunis against any danger which may menace the person or dynasty of His Highness, or which may compromise the tranquillity of his States.

Guarantee of existing Treaties between Tunis and Foreign Powers.

"ART. IV. The Government of the French Republic guarantees the execution of the Treaties at present existing between the Government of the Regency and the different European Powers.†

* See Conventions, France and Tunis, 21st May, 1824, S.P., vol. xiv., p. 712, and 8th August, 1830, S.P., vol. xix, p. 1050.

† See Convention, Italy and Tunis, 8th September, 1868, vol. lix, p. 1280; and List, in S.P., vol. lxiv, p. 1466.

Appointment of a French Minister-Resident in Tunis.

"ART. V. The Government of the French Republic shall be represented near His Highness the Bey of Tunis by a Minister-Resident, who will watch over the execution of the present instrument, and who will be the medium of communication between the French Government and the Tunisian authorities for all affairs common to the two countries.

French Diplomatic and Consular Agents to protect Tunisian Interests abroad.

"ART. VI. The Diplomatic and Consular Agents of France in foreign countries will be charged with the protection of Tunisian interests and of the nationals of the Regency.

No International Act to be conducted by the Bey without French authority.

"In return, His Highness the Bey undertakes to conclude no act having an international character without having communicated it to the Government of the French Republic, and without having previously come to an understanding with them.

Tunisian Finances and Creditors of Tunis.

"ART. VII. The Government of the French Republic and the Government of His Highness the Bey of Tunis reserve to themselves the right to fix, by a common agreement, the bases of a financial organization of the Regency, which shall be of a nature to assure the service of the Public Debt, and to guarantee the rights of the creditors of Tunis.

War Contributions to be imposed on unsubdued Tribes.

"ART. VIII. A war contribution will be imposed on the unsubdued tribes on the frontier and on the coast. A further Convention will settle the amount of it and the method of collecting it, for which the Government of His Highness the Bey hold themselves responsible.

Prevention of introduction of Arms, &c., into Algeria through Tunisian Territory.

"ART. IX. In order to protect the Algerian possessions of the French Republic against the smuggling of arms and munitions of war, the Government of His Highness the Bey of Tunis undertakes to prohibit any introduction of arms or of munitions of war by the Island of Djerba, the Port of Gabes, or the other ports of the south of Tunis.

Ratification.

"ART. X. The present Treaty will be submitted for the ratification of the Government of the French Republic, and the instrument of ratification will be returned to His Highness the Bey with as little delay as possible."*

Treaty rights of Foreign Powers to be maintained.

After the conclusion of this Treaty, an exchange of notes took place between the British and French Governments (16th and 20th May, 1881), by which it was agreed that the Conventions then existing between Tunis and Foreign Powers should be maintained and respected. (See GREAT BRITAIN AND FRANCE, p. 548.)

PROTEST OF THE PORTE AGAINST THE FRENCH TREATY.

The Porte protested against the conclusion of this Treaty in the following terms:—

* A Law was passed on the 27th May, 1881, authorizing the President of the French Republic to ratify this Treaty.

[Protest of the Porte against French Treaty of 1881.]

(1.) *Assim Pasha to Musurus Pasha.**

(Translation.)

(Telegraphic.) *Constantinople, May* 16, 1881.

"We did not fail, when the events which have just taken place at Tunis occurred, repeatedly to bring to the notice of the Signatories of the Berlin Treaty the full and entire sovereign rights of the Sublime Porte over that province, an integral portion of the Ottoman Empire. Those rights, established *ab antiquo*, have been exercised by the Turkish Government without interruption up to the present day, and have obtained recognition from the Powers in general.†

"Nor did we fail, both before and after the entry of French troops into Tunis, to propose that a friendly understanding should be come to between the Sublime Porte and the Government of the French Republic with the view of reconciling our rights with the interests of France, and of thus removing all grounds for the complaints made by the latter country of the raids of certain Berber tribes, which raids the authorities of Tunis had declared themselves ready to repress without delay from the first commencement of the quarrel.

"The Pasha of Tunis and the people entrusted to his government by Imperial Firman, on their side, appealed, as was their duty, to the Suzerain Court for the purpose of laying before it the critical situation in which they found themselves placed by the advance of French troops into their country, and of urgently requesting us, as their legitimate rulers, to come to their assistance.

"No attention was paid to our markedly conciliatory proposals, nor to the irrefutable proofs which we adduced in support of our rights; nay, more, the Government of the

* Communicated by Musurus Pasha to Earl Granville 18th May, 1881.

† On the 23rd October, 1871, a Firman was addressed by the Sultan to the Pasha of Tunis, relative to the remission of the customary presents, the right to civil and financial administration, restrictions in foreign relations, the right of hereditary succession, coinage, the Imperial flag, and the obligation of sending a contingent of troops in case of war. (See S.P., vol. lxi, p. 104.)

French Republic thought fit to deny the existence of the immemorial ties of vassalage which bind Tunis to the Ottoman Empire, by asserting the alleged independence of that country, and thus to run counter to all our remonstrances, and in spite of the protests of the Governor-General and people, by gradually occupying the greater part of the territory of Tunis, and, finally, by forbidding us, in a peremptory and threatening manner, to send a single ship to the spot.

"By way of supplementing a line of action which, we regret to say, we cannot refrain from regarding as utterly contrary to all international obligations, the Government of the Republic has just presented to the French Chambers the Treaty concluded by it on the 12th instant with His Highness the Pasha of Tunis. This Treaty the Pasha was forcibly compelled to submit to in the face of the pressure which was being brought to bear upon the country and the imminent danger which threatened it.

"It is a duty which we owe to ourselves and to the country to repudiate this document, all the clauses of which overthrow the legitimate order of things established in Tunis, and deal the most serious blow to the sovereign authority and integrity of the Empire, both of which are guaranteed by Treaties.

"The Sublime Porte therefore regards it as a duty to protest in the most emphatic terms and in the most solemn manner against the validity of this Treaty, which it declares to have been concluded under circumstances abnormal in their character and in contravention of the rights of the Sultan, and to possess, in consequence, in his eyes, as well as in those of His Highness the Pasha, and of the people of Tunis, the subjects of His Imperial Majesty, no value or legal force, either in its whole, or in any of its parts.

"I request you to communicate this protest, officially and without the slightest delay, to His Excellency Her Britannic Majesty's Minister for Foreign Affairs."

[Protest of the Porte against French Treaty of 1881.]

(Translation.)

(2.) *Inclosure.*

(Telegraphic.) *Constantinople, May* 15, 1881.

"I HASTEN to transmit herewith to your Excellency the telegram which His Highness the Pasha of Tunis addressed to us under date of yesterday:—

"I informed your Highness that the General in command of the French column which was, as I announced to your Highness, at Gedeida, approached my residence on Thursday evening. He then came to my Palace accompanied by a force of cavalry, and submitted for my signature a Protectorate Treaty, while declaring that he would not leave the Palace without my answer, for which he only gave me four hours."

"Seeing myself under the pressure of force, owing to the presence of an army near my residence, I was bound, by my honour, and in order to avoid bloodshed, to sign this Treaty, without examining or in any way discussing it, while I declared to him that I signed it under the pressure of force."

"As you will observe, the Pasha declares categorically that he signed the document in question in spite of himself, and under the influence of the pressure which was being exercised upon his Highness.

"Conformably to the tenour of your various telegrams, the Sublime Porte had warned Méhemmed Sadik Pasha not to accept or sign any Treaty without having previously referred it to the Sovereign Court, and had ordered him at the same time to acquaint the English Consul-General at Tunis with this fact, and, in case of need, to consult him.

"To-day the Governor-General is forced by violent proceedings to append his signature to a Treaty which entirely reverses the order of things established in Tunis, thereby completely violating the *status quo* to a modification of which the English Cabinet declared its inability to consent.

"In any case so grave and unexpected an occurrence could hardly, we should think, be passed over by Her Britannic Majesty.

"Please, therefore, to call Lord Granville's most serious

attention thereto, and tell him that we are convinced that his Lordship could not view with indifference a mode of procedure so contrary to the rights of nations, as well as to general interests, and that he will be so good as to intervene with a view to bring about the understanding which we have so often proposed. We are awaiting with the keenest impatience the measures which the British Government intend taking to bring about the modification of a Treaty which, as I have just said, not only ignores the principles of international law, but is further of a nature to create an unfortunate precedent.

Views of the British Government on the Turkish Protest.

(3.) *Earl Granville to Musurus Pasha.*

M. l'Ambassadeur, *Foreign Office, June* 16, 1881.

"WHEN your Excellency did me the honour of calling at the Foreign Office on the 14th instant you expressed a wish to be furnished with a written answer to the communications respecting Tunis which you were good enough to leave with me on the 18th ultimo.

"The first of those communications seems to have been intended to be received in the nature of a protest, and has, I presume, been addressed to all the other Powers as well as Her Majesty's Government. It does not call for any expression of opinion on the part of Her Majesty's Government, and under the actual circumstances, I abstain from offering any.

"With regard to the second despatch, in which Assim Pasha states that Her Majesty's Government had declared that they would not consent to a modification of the *status quo* in Tunis, I have the honour to point out to your Excellency that Her Majesty's Government have only said that they were favourable to its maintenance, but they have never stated that they would not consent to any change in it.

"I have to add that Her Majesty's Government would have been quite ready to offer their mediation, in common with the other Powers who signed the Treaty of Berlin,* had they had

* 13th July, 1878.

any reason to believe that those Powers would have agreed to join in such an offer, or that France would have accepted it had such an agreement been arrived at.

"I have, &c.,
"GRANVILLE."

On the 18th May, 1881, the Order in Council which was passed on the 12th December, 1873, for regulating the exercise by Her Majesty of power and jurisdiction over British subjects in the Ottoman Dominions (Secs. 95 and 270 of which related to Tunis), was amended by another Order, with special reference to the exercise of British Consular Jurisdiction in the regency of Tunis.*

On the 27th March, 1883, a French Law was passed for the organization of French tribunals in Tunis,† and on the 5th May following, a Decree relating to the same subject was issued by the Bey of Tunis;‡ in consequence of which another Order in Council was issued, on the 31st December, 1883, declaring British Consular Jurisdiction in Tunis to be abolished.‡

Other Foreign Nations have also passed Laws abolishing, or suspending, Consular Jurisdiction in Tunis.§

* H. T., vol. xv, p. 414.
† H. T., vol. xv, p. 1059.
‡ H. T., vol. xv, p. 1062.
§ S.P., vol. lxxv, p. 1413.

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No. 191.—*Notes on the OTTOMAN DOMINIONS.*

The claims of the Sultans of Turkey to sovereignty over the northern and eastern parts of Africa were formerly very extensive, but during the present century, and especially during the last few years, these territories have gradually, one by one, been slipping away from their grasp.

Algiers, for instance, up to the beginning of the 19th century was governed by a Dey, nominally subject to the Sultan of Turkey, but it is now a French possession. (See p. 287.)

Tunis was, by an Ottoman Decree dated 25th October, 1871, declared to be still an integral part of the Ottoman dominions; but by a Treaty between France and the Bey of Tunis dated the 12th May, 1881, it was placed under French protection, and it still remains so, notwithstanding the Protest made by the Sultan against the interference with H.I.M.'s sovereign rights. (See p. 907, 911.)

Egypt is still under the sovereignty of the Sultan of Turkey; but in February, 1841, the Government of the province was placed in the hands of Mehemet Ali and his descendants for ever. The frontiers of the Egyptian territory on the west coast of the Red Sea are now limited to the Bay of Ras Roway in 21° 5′ north latitude. (See p. 259.)

The *Coast of the Red Sea*, from Amfila to Ras Dumeira, is now under the protection of Italy (see ABYSSINIA, &c., AND ITALY, p. 11), and the Danakil and Somali Coast from Ras Dumeira to Ras Jiburti, outside the Straits of Babelmandeb, is now under the protection of France. (See FRANCE, AFRICA (EAST COAST), p. 267, and Appendix, p. 834.)

The *Somali Coast*, from Ras Jiburti to Bunder Ziadeh, is now under British protection. (See SOMALI COAST.)

Tripoli is still a tributary province of the Ottoman Empire, administered by a Pasha.

No. 192.—*LAW sanctioned by Imperial Iradé for the Prohibition of the Traffic in Black Slaves. 16th December*, 1889.

[Referred to in "Brussels Act" of 2nd July, 1890 (**No. 18**), Article 68, p. 77.]

(Translation.)

1. The traffic in black slaves in the Ottoman dominions, their import into any part of the Ottoman Empire or its dependencies, and their transit by sea or land through the Ottoman dominions and export to foreign countries is forbidden.

2. Black slaves accompanying their masters or mistresses abroad as domestic servants, or found on board merchant-vessels as part of the crew, are excepted from this prohibition. But the owners of black domestic servants must have in their possession a certificate showing in what capacity their servants accompany them, and giving their ages and descriptions; and the number and descriptions of black slaves serving on board ship as part of the crew, as well as the nature of their employment, must be entered on the ship's articles.

3. Black slaves whose owners have no such certificate, or who are not registered in the ship's articles, as required in Article 2, shall be considered free, and shall be furnished with certificates of manumission by the Court, or, if there is no Court, by the local authorities, and their owners looked upon as slave-dealers. But if these latter prove that they are not slave-dealers they shall be exempt from the penalty provided by law.

4. Passports shall be given to free blacks about to travel abroad from the Ottoman dominions showing that they are free men and at liberty to dispose of themselves without restriction or reserve. But in the official papers which, according to Article 2, are required for blacks accompanying their owners as domestic servants, their age, descriptions, and the capacity in which they accompany their masters must be set forth.

5. Persons proved to be directly or indirectly concerned in

the black slave trade, contrary to the prohibition contained in Article 1, as well as their assistants and the captains of ships which carry slaves, shall, for the first offence, be condemned to one year's imprisonment, and in case of repeated convictions the sentence shall be increased each time by one year. And in any case the slaves found in their possession shall be seized without compensation, and furnished with certificates of manumission according to Article 3.

6. If among the slaves seized in virtue of the prohibition there are any infants or minors, the persons dealing in them, and if any mutilation or other operation forbidden by law be found to have taken place, the authors of such crime shall, in addition to the punishment provided in Article 5, be condemned to the penalties provided in the special Articles of the Penal Code.

7. On any crime, such as the mutilation mentioned in Article 6, or slave traffic in infants and minors, being reported or witnessed in any part of the Ottoman Empire, the officers of the Civil Government shall, within the limits of their competence according to law, arrest and imprison the accused persons and hand them over to the competent Court, together with the *procès-verbal* embodying the preliminary investigations and any other documentary evidence which may lead to their conviction.

8. According to the Convention concluded between Turkey and England on the 11th Rebi-ul-Akhar, 1297,* the ships of war of the two countries, upon falling in with any slavers, shall seize them, with all materials and property on board, whether they fly the Turkish or English flag. And of these vessels, those flying the English flag shall, when captured by Turkish ships, be handed over to the English Government in order that the provisions of the law may be applied to them, and the promised bounties obtained from them; and likewise ships engaged in the black slave trade flying the Turkish colours, which shall be captured by the cruizers of the two countries, shall be handed over to the Ottoman Government and the formalities connected with the bounties shall be fulfilled.

* 25th January, 1880. H.T., vol. xv, p. 417.

9. On a vessel in which negro slaves are found being captured and handed over to the Turkish authorities, a fine of 5 Turkish liras for each slave shall be inflicted by the Court on the owner, or, if he be elsewhere, on the captain of the ship, and given as bounty to the officers and crew of the capturing cruizer, and the costs of the trial shall be separately levied on behalf of the Court. If the owner or the captain of the captured vessel refuse to pay the said fine and the expenses of the Court, a portion of the property belonging to the vessel, not being the cargo, sufficient to cover the above mentioned fine and expenses—and if a portion does not suffice, the whole of it—shall be sold by auction by the Court, and if this does not meet the case, the vessel shall be sold by the Court; and in this case, after subtracting from the price of the vessel the expenses of the trial and the bounty money, the surplus, if there be any, shall be handed over to the owner of the vessel. The judgments issued by the competent Courts for the sale of the vessel, materials, and property shall be absolute.

10. In the trials which take place in connection with the black slave traffic the Public Prosecutor shall carry out the duties which belong to them by law, and the commander of the war vessel which captured the slaver may also be present at such trials as private prosecutor.

22 *Rebi-ul-Akhar*, 1307 (*December* 4 (16), 1889).

Claims of Turkey and Egypt in Basin of the Upper Nile.

On the 12th May, 1884, an Agreement was entered into between Great Britain and the King of the Belgians, Sovereign of the Congo State, respecting the spheres of influence of Great Britain and the Congo State in East and Central Africa, to which notes were added giving assurances that the parties to the Agreement did not ignore the claims of Turkey and Egypt in the Basin of the Upper Nile. (See APPENDIX.)

Claims of Turkey in Gulf of Tajourra and on the Somali Coast.

On the 2nd—9th February, 1888, an Agreement was entered into between the British and French Governments, with regard

to their respective rights in the Gulf of Tajourra and on the Somali Coast; but, before its conclusion, the Turkish Ambassador requested that, in any understanding which might be arrived at on the subject, the rights of the Sultan might be respected; an assurance to that effect was accordingly given by the Marquis of Salisbury to the Turkish Ambassador, and M. Waddington, the French Ambassador, was so informed (9th February, 1888). (See p. 973.)

ZANZIBAR.

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[For Declarations between Great Britain and France of 10th March, 1862, and 5th August, 1890, respecting the Independence of Zanzibar, see Great Britain and France, pp. 547, 570. For Accession of Germany thereto, of 29th October, 1886, see p. 618; for Procès-Verbal containing the unanimous opinions of the delegates of Great Britain, France, and Germany with reference to the Maritime, Littoral, and Continental Possessions of the Sultan of Zanzibar; and exchange of Notes upon the subject between the British and German Governments, of 29th October—1st November, 1886, see Great Britain and Germany, pp. 605, 615.]

No. 193.—*ADHESION of the Sultan of Zanzibar to the Berlin Act, of 26th February, 1885 (with a reservation). Zanzibar, 8th November, 1886.**

(Translation.)

THE Sultan of Zanzibar and its dependencies, in conformity with Article XXXVII of the General Act of the Berlin Conference (**No. 17**), declares, by these presents, that he adheres to the stipulations of the said General Act, with the reservation that his adhesion to the said Act shall not entail or shall not be supposed to signify his acceptance of the principle of free trade, which, according to Article I of the said Act, shall not be applicable to his territories in the eastern zone which is therein defined, except in so far as he shall assent thereto.†

Done at Zanzibar, the 8th day of November, 1886.

(L.S.) (Signature in Arabic.)

* S. P., vol. lxxvii, p. 816. Communicated by Count Hatzfeldt to the Marquis of Salisbury, January 24th, 1887. Zanzibar was a Signatory Party to the Brussels Act of 2nd July, 1890. See Africa (General), p. 48.

† On the 22nd June, 1892, it was notified by the British Government to the Signatory Powers of the Berlin Act, that on the 1st July of that year Zanzibar would be under the Free Trade provisions of Art. I of that Act. (See Appendix.)

No. 194.—*TREATY. Austria-Hungary and Zanzibar. Consular Jurisdiction, &c. Signed at Zanzibar, 11th August,* 1887.*

Appointment of Consuls. Most-favoured-nation Treatment.

(Translation.)

(Extract.)

"ART. II. His Majesty the Emperor and King shall have the right to appoint Consuls in the dominions of His Highness the Sultan of Zanzibar. These Consuls shall be treated on the same footing, and shall enjoy the same privileges, immunities, and exemptions as those of the most favoured nation.

"His Highness the Sultan of Zanzibar shall likewise on his side have the right to appoint Consuls in Austria-Hungary, who shall enjoy the same rights, immunities, and privileges as those of the most favoured nation."

No. 195.—*TREATY. Belgium and Zanzibar. Consular Jurisdiction, &c.*† *Signed at Zanzibar, 30th May,* 1885.‡

(Translation.)

(Extract.)

Appointment of Consuls. Most Favoured Nation Treatment.

"ART. II. His Majesty the King of the Belgians may appoint Consuls in the dominions of His Highness the Sultan of Zanzibar. These Consuls shall be treated on the same footing, and shall enjoy the same privileges, immunities, and exemptions as those of the most favoured nation."

* S.P., vol. lxxviii, p. 942. **Ratified at Vienna, 22nd October, 1888.**

† Signed also in the Arabic language. S.P., vol. lxxvi, p. 290.

‡ Ratifications exchanged at Zanzibar, 15th October, 1886.

No. 196.—*TREATY. France and Muscat. Consular Jurisdiction, &c. Signed at Zanzibar, 17th November, 1844.**

(Translation.)

Purchase and Sale, &c., of Lands and Houses.

(Extracts.)

"ART. III.† The French shall have the power of buying, selling, and leasing land, houses, and warehouses in the dominions of His Highness the Sultan of Muscat. No one shall, under any pretext enter the houses, warehouses, or other property belonging to or occupied by French subjects, or by persons in the employ of French subjects, or visit them without the consent of the occupier, unless with the intervention of the French Consul.

Non-Detention of Frenchmen.

"Frenchmen shall on no account be detained against their will in the dominions of the Sultan of Muscat.

French Protected Persons.

"ART. IV. The subjects of His Highness the Sultan of Muscat who shall be in the service of Frenchmen shall enjoy the same protection as Frenchmen themselves; but, if the subjects of His Highness are convicted of any crime or infraction punishable by law, they shall be dismissed by the French in whose service they may be, and handed over to the local authorities.

Appointment of Consuls. Most-favoured-nation Treatment.

"ART. V. The High Contracting Parties reciprocally recognize the right of appointing Consuls and Consular Agents to

* S.P., vol. xxxv, p. 1011. Ratifications exchanged, 4th February, 1846.

† "Nul ne pourra, sous aucun prétexte, pénétrer dans les maisons, magasins et autres propriétés, possédés ou occupés par des Français ou par des personnes au services des Français, in les visiter sans le consentement de l'occupant à moins que ce ne soit avec l'intervention du Consul de France."

reside in their respective dominions. Moreover, these Agents shall only enter on their duties with the exequatur of the Sovereign in whose dominions they reside. These Agents shall enjoy the same rights and privileges as those of the most favoured nation.

Hoisting of French Flag.

"The French Consuls and Consular Agents shall be at liberty to hoist the French flag over their dwellings.

Exterritorial Jurisdiction.

"ART. VI. The officials of His Highness the Sultan of Muscat shall not interfere in disputes between Frenchmen, or between Frenchmen and subjects of other Christian nations. In disputes between a subject of His Highness and a Frenchman, the complaint, if made by the former shall be made to the French Consul, who will adjudicate the matter; but if the complaint is made by a Frenchman against any of the subjects of His Highness, or of any other Mussulman Power, the case shall be judged by His Highness the Sultan of Muscat, or by such person appointed by him for the purpose. In this case, the decision shall only be given in the presence of the French Consul, or of such person whom he shall appoint for the purpose. In disputes between a Frenchman and a subject of His Highness the Sultan of Muscat, the depositions of an individual, who shall have been convicted of perjury on a previous occasion, shall not be accepted, either if the case is tried by the French Consul or by His Highness the Sultan or his representative.

Property of deceased Frenchmen.

"ART. VII. The property of a Frenchman, who has died in the dominions of His Highness the Sultan of Muscat, or of a subject of His Highness, who has died in France, shall be handed over to their heirs or executors, or failing them to the Consul or Consular Agent of the nation to which the deceased belonged.

Bankruptcies.

"ART. VIII. If a Frenchman becomes bankrupt in the dominions of the Sultan, the French Consul shall take possession of all the goods of the bankrupt, and shall remit them to his creditors to be divided between them. That being done, the bankrupt shall have the right to a complete acquittance from his creditors. He shall not be further bound to make good the deficit, and the property which he may acquire afterwards shall not be considered as liable to be appropriated to this purpose; but the French Consul shall not neglect to avail himself of any opportunity to seize, on behalf of the creditors, everything which may belong to the bankrupt in other countries, and to certify that he abandoned without reserve everything that he possessed at the time that he was declared a bankrupt.

Recovery of Debts.

"ART. IX. If a subject of His Highness the Sultan of Muscat refuses or evades the payment of a debt owing to a Frenchman, the officials of His Highness shall afford the creditor every help and facility to recover what is due to him; and in like manner the French Consul shall afford every assistance to the subjects of His Highness in the recovery of debts which they may claim from Frenchmen."

No. 197.—*TREATY. Germany and Zanzibar. Consular Jurisdiction, &c. Signed at Zanzibar, 20th December, 1885.**

Appointment of Consuls. Most-favoured-nation Treatment.

(Translation.)

(Extract.)

ART. III. The High Contracting Parties acknowledge reciprocally the right of appointing Consuls to reside in each other's dominions wherever this may be deemed to be desirable in the interest of commerce or otherwise. The Consuls of the High Contracting Parties, together with their assistants and those in their service, shall enjoy with regard to their persons, houses, and also in the exercise of their official duties, in addition to the rights herein stipulated, the same honours and privileges as are, or in future shall be, enjoyed by Consuls and Consular officers of the most favoured nation.

In the event of a riot or other disturbance of the public peace, the Consuls at their request shall be provided with a guard, in order to guarantee their safety and the inviolability of the Consular Office and dwelling.

Consular Jurisdiction. Civil and Criminal Cases.

ART. XVI. Subjects of His Majesty the German Emperor shall enjoy within the dominions of His Highness the Sultan of Zanzibar the rights of exterritoriality.

The authorities of His Highness the Sultan have no right to interfere in disputes between German subjects amongst themselves or between them and members of other Christian nations; such disputes, whether of a civil or criminal nature, shall be decided by the competent Consular authorities. The trial and punishment of all crimes and offences, punishable by law, of which German subjects, within the dominions of His Highness the Sultan, may be accused, shall be removed from the jurisdiction of the authorities of His Highness the Sultan, and are expressly reserved to the German Consular authorities.

* S.P., vol. lxxvi, pp. 247—257.

Should disputes arise between a subject of His Highness the Sultan or other non-Christian Power, not represented by Consuls at Zanzibar, and a German subject, in which the German subject is the plaintiff, the matter shall be brought before and decided by the highest authority of the Sultan or some person specially delegated by him for this purpose.

The proceedings and final decision in such a case shall not, however, be considered legal, unless notice has been given and an opportunity afforded for the German Consul, or his substitute, to attend the same in person or by a person delegated by him for this purpose.

If, on the contrary, a German subject should appear in such a dispute as the defendant, the matter shall be brought before the competent German Consular authority and be decided by the Consul, or by a Consular Court, as the case may be. At the request of the German Consular authority, the Government of His Highness the Sultan shall place police assistance at the disposal of the former, to assist in effecting arrests, or in the execution of other official duties.

Protection of Persons in German employ.

ART. XVII. Subjects of His Highness the Sultan or any non-Christian nation, not represented by Consuls at Zanzibar, who are in the regular service of German subjects within the dominions of His Highness the Sultan of Zanzibar, shall enjoy the same protection as German subjects themselves. But should they be charged with having committed a crime or a serious offence, punishable by law, they shall, on sufficient evidence being shown, be handed over by their German employers or by order of the German Consulate to the authorities of His Highness the Sultan for trial and punishment, and shall for this purpose be dismissed from the service of the German subjects.

Bankruptcies.

ART. XVIII. Should a German subject residing in the dominions of His Highness the Sultan of Zanzibar become bankrupt,

the German Consul shall seize, recover, and realize all available property and assets of such bankrupt to be dealt with and distributed according to the provisions of the German Bankruptcy Law.

Recovery of Debts.

ART. XIX. Should a subject of His Highness the Sultan of Zanzibar resist or evade payment of the just and rightful claims of a German subject, the authorities of His Highness the Sultan shall afford to the German creditor every aid and facility in recovering the amount due to him. In like manner the German Consul shall afford every aid and facility to subjects of His Highness the Sultan of Zanzibar in recovering debts justly due to them from German subjects.

Property of deceased German Subjects.

ART. XX. Should a German subject die, leaving property within the dominions of His Highness the Sultan of Zanzibar, the German Consul shall be authorized to collect, realize, and take possession of the estate of the deceased, to be dealt with according to the provisions of the German law.

Inviolability of Domicile.

ART. XXI. The houses, dwellings, warehouses, and other premises of German subjects, or of persons actually in their regular service within the dominions of His Highness the Sultan of Zanzibar, shall not be entered or searched by officials or functionaries of His Highness the Sultan without the consent of the occupier, unless with the cognizance and assistance of the German Consul or his substitute.

No. 198.—*CONCESSION from Sultan of Zanzibar to German East African Association. Zanzibar, 28th April,* 1888.*

(Translation.)

His Highness Seyyid Khalifa-ben-Said, Sultan of Zanzibar, and the German East African Association, having, with the approbation of His Highness Prince Bismarck, Chancellor of the German Empire, appointed as their Plenipotentiary, Dr Jur Gustav Michahelles, Imperial German Consul-General at Zanzibar, have concluded the following Treaty:—

Transfer by Sultan to German East African Association of Administration of all his Territories and Dependencies on the Marima and South of the River Umba.

Art. I. His Highness the Sultan makes over to the German East African Association all the power which he possesses on the mainland on the Marima, and in all his territories and dependencies south of the Umba River, the whole administration of which he concedes to and places in their hands to be carried out in His Highness' name and under his flag and subject to His Highness' sovereign rights, but it is understood that the Association is to be responsible for all affairs and administration of that part of His Highness' dominions included in this Concession, and that His Highness the Sultan shall not be liable for any expenses connected with the same, nor for any war or "diya" (blood money) or for any claims arising therefrom, none of which His Highness shall be called upon to settle. No other but themselves shall have the right of purchasing public land on the mainland or anywhere in His Highness' territories, possessions, or dependencies within the limits above named, except through them, as is the case now with His Highness. He also grants to the Association the faculty of levying taxes upon the people of the mainland within the limits above named. His Highness further agrees to do all acts and deeds that would be necessary to give full

* S.P., vol. lxxix, p. 326. See also Agreement, 13th January, 1890, p 943.

effect to the terms of this Concession, to aid and support the Association with all his authority and force, so as to secure to them the rights and powers hereby granted. It is further agreed upon by the Contracting Parties, that nothing contained in the following Articles of Concession shall in any way infringe or lessen the rights accorded by His Highness to the subjects or citizens of Germany, France, Great Britain, the United States of America, or any other foreign Powers having Treaty relations with His Highness, or the obligations which are or may be imposed upon him by his adhesion to the Berlin General Act (**No. 17.**).

Appointment by Association of Commissioners to Administer Districts in above Territory.

ART. II. His Highness authorizes the Association to appoint in his name and on his behalf Commissioners to administer over any districts in His Highness' possessions included in the limit of territories named above, except as hereinafter provided; to appoint such subordinate officers as may be required, to pass laws for the government of districts, to establish Courts of Justice, and generally to adopt such measures as may be necessary for the protection of the districts and interests under their rule. His Highness further authorizes the Association to make Treaties with subordinate or other native Chiefs, such Treaties and engagements to be ratified and confirmed by him in such cases as they are made in the name of His Highness.

Cession of Forts and Public Buildings to Association.

His Highness also agrees to cede to the Association all the rights which he himself possesses over the lands in the whole of his territory on the mainland of Africa within the limits of this Concession, only excepting the private lands and Schambas, and give the Association all forts and unoccupied public buildings excepted as His Highness may wish to retain for his own private use; a schedule of such buildings, plantations, or properties to be drawn up and agreed to between His Highness and the Association. Further, he authorizes them to acquire and regulate the occupation of all lands not yet occupied, to

levy and collect local and other taxes, dues, and tolls, to do all these and such other acts as may be necessary for the maintenance and support of such local governments, forces, administration of justice, the making and improvements of roads or water communications or other public works, defensive, or otherwise, and for the liquidation of debts and payment of interest upon capital expended.

Appointment of Judges.

The Judges shall be appointed by the Association subject to the Sultan's approval, but all "Kadis" shall be nominated by His Highness. In aboriginal tracts the law shall be administered by the Association or their officials. The stipends of the Governors and all other officials in the territories occupied and controlled by the Association shall be paid by them.

Right of Association to Trade, Acquire Land, &c.

ART. III. His Highness grants to the Association the right to trade, to hold property, to erect buildings, and to acquire lands or buildings by purchase or negotiation anywhere within His Highness' territories included in the limits of this Concession with the consent of the proprietors of any such lands and houses.

Regulation of Trade and Navigation of Rivers by Association.

ART. IV. His Highness grants to the Association special and exclusive privileges and powers to regulate trade and commerce, also the navigation of rivers and lakes and control of fisheries, the making of roads, tramways, railways, canals, and telegraphs, and to levy tolls and dues on the same, also the power to control or prevent the importation of any merchandize, arms, ammunition of all sorts, intoxicating liquors, or any other goods which, in the opinion of the Association, are detrimental to law, order, and morality, and in whatsoever His Highness is not bound towards the Governments. But it is clearly understood that all exercise of these privileges and powers shall be in conformity with existing Treaties between His Highness and foreign States.

Occupation of Forts and Establishment of Custom Houses by Association.

ART. V. His Highness authorizes the Association to occupy in his name all forts at the mouth or mouths of any river or rivers or elsewhere in his dominions included in the limits of this Concession, with the right to establish custom-houses and to levy and collect dues on any vessels, goods, &c., arriving at or departing from such port or ports and to take all necessary measures for the persecution of smuggling, subject, in all cases, to the Treaties above named.

Exclusive Working of Mines by Association.

ART. VI. His Highness grants to the Association the exclusive privilege to search for and work, or to regulate, lease, or assign in any part of His Highness' territories within the limits of this Concession any mines or deposits of lead, coal, iron, copper, tin, gold, silver, precious stones, or any metal or mineral or mineral oils whatever, also the exclusive right to trade in the same free from all taxes and dues excepting such moderate royalty on minerals only not exceeding 5 per cent. on the first value of the article less the working expenses, as may be hereinafter agreed by the Association to be paid to His Highness, also the right to use all forest trees and other woods and materials of any kind whatsoever for the purpose of the works aforesaid and also for trade; but the wood used for building and for burning, commonly known as "borti," may be cut on the mainland by others, as now, by payment of such dues to the Association as they may agree upon, but not such dues shall be required for wood cut for His Highness' use.

Establishment of Bank by Association.

ART. VII. His Highness grants to the Association the right to establish a bank or banks anywhere in His Highness' territories above mentioned, with the exclusive privilege of issuing notes.

[German East African Association.]

Association to enjoy above Powers and Privileges for fifty years : Reversion to Sultan of Public Works, &c.

ART. VIII. All the aforesaid powers and privileges to extend over and be available for the purposes and objects of the Association during the whole of the term of fifty years next and dating from the time of this Concession being signed. At the conclusion of the said term all the public works, buildings, &c., shall revert to the Sultan, his heirs and successors, if desired, at a valuation to be fixed by arbitrators chosen by both parties.

Grant by Sultan to Association of "Regie" or Lease of Customs.

ART. IX.* His Highness grants to the Association the "Regie," or lease, of the customs of all the ports throughout that part of His Highness' territories above defined for an equal period of time to the other Concessions upon the following terms, namely :—

At the beginning of their administration the Association pay to His Highness an advance of 50,000 rupees in cash, which is to be refunded in equal monthly quotations within the first six months. For the first year the Association hand over to His Highness at the end of every month according to the European reckoning the whole amount of the customs duties levied from the import and export trade in His Highness' territories above defined, after deduction of a certain sum for the expenses incurred by collecting the duties. These expenses are not allowed to exceed the sum of 170,000 rupees in the first year, and if the Association are not able to prove by their books that in fact they expended the above-mentioned sum, they have to pay to His Highness also the difference between their real expenses and the amount of 170,000 rupees.

The only profit the Association shall have in the first year is a commission of 5 per cent. from the net revenues paid to His Highness. After the first year's experience the annual average of the sum to be paid to His Highness by the Association shall be fixed. The Association, however, shall have the right at the end of every third year, according to the results of

* Altered by Agreement of 13th January, 1890, p. 943.

the previous three years as shown by their books, to enter into fresh negotiations with His Highness in order to fix a revised average. His Highness shall be authorized to appoint an officer who can control the revenues made in the custom-houses of all ports included in this Concession.

Further, it is understood that His Highness shall not claim the duty of any part of the trade twice over, and that the Association, therefore, shall be entitled to control the Customs officers of His Highness' at Zanzibar to this effect and to claim a drawback for the amount of any duties which may hereinafter be paid direct to His Highness on any imports to or exports from the ports included in this Concession. The Association further guarantee to pay to His Highness 50 per cent. of the additional net revenue which shall come to them from the customs duties of the ports included in this Concession, and His Highness grants to the Association all rights over the territorial waters in or appertaining to his dominions within the limits of these Concessions, particularly the right to supervise and control the conveyance, transit, landing, and shipment of merchandize and produce within the said waters by means of a coast-guard service both on land and water.

Guarantee by Association to Sultan of Dividend on 20 *shares* = 10,000*l.*

ART. X. In consideration of the aforegoing Concessions, powers, and privileges being granted by His Highness, the Association guaranteed to His Highness the dividend on the value of 20 shares of 10,000 marks each of the German East African Association, equal to about 10,000*l.*, which Concession shall entitle him to such proportions of the net profits as shown by the books of the Association after interest at the rate of 8 per cent. shall have been paid upon the shareholders' paid-up capital, as shall attach to the said part of the Association's capital.

Association to enjoy Most-favoured-Company Treatment.

ART. XI. The German East African Association shall enjoy all the rights, privileges, immunities, and advantages as are or

hereafter may be enjoyed by or accorded to any other Company or particular person to whom His Highness may have given or may give similar Concessions in any other part of his dominions as those granted by this Treaty to the German East African Association.

Islands of Zanzibar and Pemba and territories north of Umba River not included in Concession.

ART. XII. These Concessions do not relate to His Highness' possessions in the islands of Zanzibar and Pemba, nor to his territories north of the Umba River; and it is understood that all public, judicial, or Government powers and functions herein conceded to the Association shall be exercised by them only in the name, and under the authority of the Sultan of Zanzibar.

Concessions and Obligations binding for 50 years.

ART. XIII. It is hereby agreed by both parties that these Concessions and the corresponding obligations as set forth shall be binding for both parties, their heirs, successors, and assigns, during the term of 50 years for which they have been agreed upon.

Date of transfer of Customs, &c.

ART. XIV. His Highness is willing to transfer the customs, lands and buildings aforesaid, to the German East African Association at any date after the 15th August, 1888, which will be convenient to the Association.

Interpretation of Texts of Treaty.

ART. XV. The present Treaty has been made out in four copies, two of which are written in the English and two in the Arabic language. All those copies have the same sense and meaning. Should, however, differences hereafter arise as to the proper interpretation of the English and Arabic text of one or other of the Treaty stipulations, the English copy shall be considered decisive.

[German East African Association.]

In faith whereof His Highness Seyyid Khalifa-ben-Said, and Dr. G. Michahelles, have signed this Treaty, and have affixed thereto their seals.

Done at Zanzibar, the 28th day of April, in the year of our Lord 1888, corresponding with the 16th Shaban, 1305, of the Hidjerat.

(L.S.) (Signed in Arabic.)
(L.S.) G. MICHAHELLES.

The German East African Association formally received charge of the Administration of that portion of the East African Coast line which lies between the Rivers Umba and Rovuma from the Sultan of Zanzibar, on the 16th August, 1888, when the flag of the German East African Company was hoisted at all the principal ports along the coast under a Royal Salute. (S.P., vol. lxxix, p. 343.)

On the 27–28th October, 1890, an exchange of Notes took place between the representatives of Great Britain and Germany at Berlin (with the consent of the Sultan of Zanzibar) for the permanent cession to Germany of the coast line between the Rivers Umba and Rovuma, and of the Island of Mafia.

No. 199.—*AGREEMENT. Zanzibar and German East Africa Company. Handing over of Custom Houses, &c., on Part of the Coast conceded to Germany. 4th June,* 1888.

Colonel Euan-Smith to the Marquis of Salisbury.

My Lord, *Zanzibar, June* 4, 1888.

I have the honour to inform your Lordship that the following measures have been agreed upon between the Sultan and the German East African Company regarding the handing over of custom houses, &c., on that part of the coast which has been conceded to Germany:—

1. That the Walis on the coast from the River Umba to the Rovuma will be at once informed that from the 15th August of this year the Company will take over the collection of the customs, such information to be published in the country.*

2. That His Highness shall appoint a person to accompany the agent of the Company to the mainland, and point out which houses and other public buildings are to be retained for His Highness' special use, and which are to be handed over to the Company.

3. That the Sultan shall indicate the places at which it is necessary that Cadis shall be appointed, and shall recommend suitable persons to fill up these appointments.

4. That His Highness shall appoint a person in order to act as his agent with regard to matters of detail arising in the management of the custom-houses.

One of the Sultan's steamers will leave for Lindi in a fortnight's time with Herr Vohsen and several members of his staff, and with some of the Sultan's officials, for the purpose of taking all preliminary steps towards the accomplishment of the above objects.

* See S.P., vol. lxxix, pp. 336, 339, 340, and note on previous page. See also Agreement between Great Britain and Germany of 1st July, 1890, Art. xi, p. 650, and note, p. 940.

I may add that I am sending a notification addressed to all British Indian subjects resident in the places which will now pass under the German administration, informing them that their rights and privileges as British subjects will be in no way affected by the change that is about to take place.

I have, &c.,

The Marquis of Salisbury. C. B. EUAN-SMITH.

NOTIFICATION addressed to British Indian Subjects resident in places under German Administration on Mrima Coast. June, 1888.*

[Referred to in preceding Agreement.]

(Translation.)

To all Indian subjects resident on the mainland and others under British protection.

Be it known that from the 16th August next the German East African Company will take over the administration of that part of His Highness the Sultan of Zanzibar's dominions which is known as the Mrima, south of the River Umba.

The officials of that Company will collect the customs, and generally administer the country.

Now this is to inform all British subjects that there is no cause for alarm or disquietude in this new arrangement which the Sultan has concluded with this Company. The status and position of all British subjects will remain unaltered. Their Treaty rights and privileges will not be interfered with in any way. There is nothing to cause them fear. All British subjects are enjoined to assist by every legitimate means in their power the officials of the German Company in rightly and justly administering the country.

C. B. EUAN-SMITH, *Colonel,*
Her Britannic Majesty's Agent and Consul-General, Zanzibar.

* S.P., vol. lxxix, p. 333.

[German East Africa Company.]

No. 200.—*SUPPLEMENTARY AGREEMENT between Zanzibar and German East Africa Company. Régie or Lease of Zanzibar Customs Dues to the Association. Signed 13th January,* 1890.*

(Translation.)

In order to settle all differences which have arisen between His Highness the Sultan of Zanzibar and the German East Africa Company in the carrying out of the Treaty of the 28th April, 1888 (answering to 15 Shaaban, 1305) (**No. 198**), and especially in carrying out Article IX, it is agreed between His Highness and the German East Africa Company and their Plenipotentiary, Ernst Vohsen, Director of the Company in Berlin, as follows :—

Article IX of the Treaty is changed and receives the following new meaning, which from this day shall bind the Contracting Parties :

Art. IX. His Highness grants the Company the Concession ("Régie") or lease of the Customs in all ports of the above-mentioned part of his territories for a period similar to that of the below-mentioned other leases (Concessions), and under the following conditions :—

The Company hands over at the end of each month (European reckoning) the entire receipts collected in the above-mentioned territories for duties on imports and exports ; only a certain sum for the cost of collection to be deducted. This cost must not exceed the sum of 170,000 rupees per annum for the next three years of the Treaty, and if the Company is not in a position to prove by its books that they have actually spent the above-mentioned sum, it has to pay to His Highness also the difference between their actual expenses and the contribution of 170,000 rupees.

On the basis of the net Customs receipts of the first three years collected direct through the Company (that is the year's receipts less 170,000 rupees), there will, on the 18th August,

* See note, p. 940.

1891 (European reckoning), be fixed the average sum to be paid yearly by His Highness the Sultan to the Company. The Company will, however, have the right at the end of every third year, on account of the results attained, to begin fresh negotiations with His Highness to revise the average payment and fix it afresh. His Highness has the right to place an official, who shall supervise the Customs receipts, in the harbours of the territories in question. It is further understood that His Highness may not claim duty a second time on any kind of trade. On behalf of this, it is therefore the right of the Company to exercise a supervision ("kontrole") over the Customs officials of His Highness in Zanzibar, and to require the refund of all Customs payments which for the future shall be paid direct to His Highness on importation to the ports named in this Treaty, or on exportation from them.

The Company hereby formally foregoes the refund of such taxes as have been levied in Zanzibar by His Highness on goods coming from Europe or foreign countries, and subsequently exported to places under the Company's rule. The Company further promises to His Highness 50 per cent. of the further net gains which shall come from the Customs revenue of the ports under discussion. His Highness hands over to the Company all rights in the territorial waters which lie within the above-mentioned boundaries of his dominions, or which belong to them, in particular to the authority to supervise and control by land and sea-coast guards the forwarding, the transport, the landing and shipping of goods and products within the said waters.

Done on the 21st Jemadi-al-Awal, 1307, which corresponds to the 13th January, 1890, of the Christian era.

He confirms this,

KHALIFA-BIN-SAID (own handwriting).

ERNST VOHSEN, *Plenipotentiary Extraordinary of the German East Africa Company.*

No. 201.—*TREATY of Commerce, Consular Jurisdiction, &c., between Italy and Zanzibar. Signed at Zanzibar, 28th May*, 1885.*

[Ratifications exchanged at Zanzibar, 10th October, 1885.]

(Translation.)

(Extract.)

Rights of Italian Subjects. Inviolability of Domicile.

ART. II. The subjects of His Majesty the King of Italy shall be at liberty to buy, sell, or hire lands, houses, and magazines within the States of His Highness the Sultan of Zanzibar. No one may under any pretext enter the houses, magazines, or property of Italians or of persons in their service without the consent of the owner, unless this should be done with the intervention of the Consul of His Majesty the King of Italy.

Italians cannot under any pretext be detained against their will within the States of His Highness the Sultan of Zanzibar.

The subjects of His Highness the Sultan of Zanzibar shall enjoy within the States of His Majesty the King of Italy the same rights as are granted to Italians in this article.

Appointment of Consuls.

ART. IV. His Majesty the King of Italy and His Highness the Sultan of Zanzibar shall have the reciprocal right of appointing Consuls or Consular Agents in their respective States and these Consuls or Consular Agents shall enjoy the same privileges, immunities, and exceptions as are granted to those of the most favoured nation.

Italian Consular Jurisdiction in Zanzibar.

ART. V. The authorities under His Highness the Sultan of Zanzibar shall never intervene in questions which may arise between Italian subjects, or between them and others of another Christian nation.

In differences between a subject of His Highness the Sultan

* S.P., vol. lxxvi, p. 269.

of Zanzibar and an Italian, if the complaint is made by the former, the question shall be judged by the Consul of His Majesty the King of Italy; but if the complaint is made by an Italian against one of the subjects of His Highness or of another Mussulman Power, the dispute shall be adjudicated by His Highness the Sultan of Zanzibar or by a person designated by him. In this case, however, the accused party shall not be proceeded against save in the presence of the Italian Consul or his substitute.

In lawsuits between an Italian and a subject of His Highness the Sultan of Zanzibar, the evidence of a person convicted of perjury in a previous action shall be rejected, whether the case is tried before the Italian Consul or before His Highness the Sultan or his representative.

Property of Deceased Subjects.

ART. VI. The property of an Italian dying within the dominions of His Highness the Sultan of Zanzibar, or of a subject of His Highness dying within the dominions of His Majesty the King of Italy, shall be remitted to the heirs or testamentary executors, or in default of them, to the Consuls or Consular Agents of the nation to which the deceased belonged.

Bankrupts.

ART. VII. If an Italian becomes bankrupt within the States of His Highness the Sultan of Zanzibar, the Italian Consul shall have the right to take possession of the property of the bankrupt and hand it over to his creditors to be divided amongst them. By this process the bankrupt shall be understood to be exempted from all ulterior obligation towards his creditors; and even when he shall acquire new possessions thereafter, these can never be devoted to the completion of his payments.

It is well understood that the Italian Consul will use every means in his power to effect, in the interests of the creditors, the seizure of all property owned by the bankrupt in other countries, and to establish the fact that at the moment when

the bankrupt is declared insolvent he has given up without reserve all his possessions.

ART. VIII. If a subject of His Highness the Sultan of Zanzibar refuses or seeks in any way to avoid payment of a debt contracted towards an Italian, the authorities under His Highness the Sultan shall afford the creditor all the assistance necessary for him to obtain that which is due to him; and on the other hand the Italian Consul shall give all his aid to subjects of His Highness the Sultan in obtaining payment of the debts due to them from an Italian.

Importation and Exportation.

ART. X. Within the dominions of His Highness the Sultan of Zanzibar no article of commerce shall be forbidden either for importation or exportation. Commerce shall be perfectly free, and shall be subject to no duties excepting those contained in Article IX.

Monopolies Forbidden.

Italians shall have full liberty of buying, selling, and making contracts with whom they please in all the dominions of His Highness the Sultan of Zanzibar; this freedom can never be hampered by any monopoly or exclusive privilege of buying or selling.

ADDITIONAL ARTICLE.—*Italy and Zanzibar, Clauses of Treaty of 28th May*, 1885, *to be interpreted and applied, subject to Laws in force in the Kingdom.* 10*th October*, 1885.*

IN the act of proceeding, with the reserve of the approval of the Italian Parliament,† to the ratification of the Treaty of Commerce concluded the 28th May, 1885 (14th Sciaabban of the year 1302 of the Hegira) (p. 945) between His Majesty

* S.P., vol. lxxvi, p. 273.

† Approved by the Chamber of Deputies, 30th November, 1886; and by the Senate, 21st December, 1886.

Humbert I, King of Italy, and His Highness Saïd Burghash, Sultan of Zanzibar, the undersigned Plenipotentiaries have stipulated and agreed upon the following Additional Article, which will be understood to form an integral part of the said Treaty:—

Additional Article.—In order that no doubt may remain as to the value and signification of any of the clauses of the Treaty stipulated at Zanzibar between the Kingdom of Italy and the Sultanate of Zanzibar, and signed there on the 28th May, 1885 (14th Sciaabban of the year 1302 of the Hegira) (p. 945), it is expressly understood and agreed that the entire Treaty, and particularly Articles II, VII, and X, are to be interpreted and applied in as far as concerns Italian subjects and Italian territory subject to the precise observance of the laws in force in the kingdom.

No. 202.—*ITALIAN NOTIFICATION. Concession granted by Zanzibar to British East Africa Company of Administration of Ports North of Kismayu, and of Benadir Ports of Brava, Meurka, Magadisho, and Warsheik, transferred to Italy. 8th April,* 1890.*

NOTE VERBALE *communicated to the British Government by Count Tornielli. 8th April,* 1890.

IN conformity with the Agreements concluded between the Italian Government and the Imperial British East African Company, signed in London on the 3rd August, 1889 (**No. 27**), and 18th November, 1889 (**No. 28**), the British Company aforesaid has handed over to the Italian Government, with the consent of the Sultan, the rights and privileges acquired under the Concession which the late Sultan Sayyid Khalifa-ben-Sayyid made to this Company (9th October, 1888, **No. 26**).

The Concession in question has been confirmed, ratified, and augmented on the 6th instant by his successor His Highness Sayyid Ali.

The Government of His Majesty the King of Italy notifies to the Government of ———— that they will undertake without delay, in the name of the Sultan of Zanzibar, the administration of the Sultan's ports to the north of Kismayu, and of their territories, viz.: Brava, Meurka, Magadiscio, and Warscheik,

Joint British and Italian Occupation of Kismayu.

And that, in conformity with the established agreements, they will occupy Kismayu with the British Company, exercising the same rights and privileges of this Company in the aforesaid port and in the navigation of the Juba.

* See also Concession, 12th August, 1892, p. 950.

No. 203.—*CONCESSION of Benadir Ports granted by the Government of His Highness the Sultan of Zanzibar to the Government of His Majesty the King of Italy.* 12*th August*, 1892.*

The Government of His Highness the Sultan of Zanzibar and its dependencies on the East Coast of Africa, by the present Agreement grants the following Concessions to the Government of His Majesty the King of Italy, who on their side accept the obligations herein contained :—

Administration by Italy of Benadir Ports:—Brava, Meurka, Magadisho, and Warsheikh.

Art. I. The Government of His Highness the Sultan of Zanzibar makes over to the Government of His Majesty the King of Italy, all the powers which they possess over the towns and ports of the Benadir Coast, namely, Brawa, Merka, Magadisho, each with a radius landwards of 10 sea miles, and Warsheik, with a radius landwards of 5 sea miles, and the islands in their vicinity, to be administered politically and judicially in the name of the Government of His Highness the Sultan of Zanzibar and under his flag; but it is understood that the Government of His Highness the Sultan will not be responsible for, and will not be called upon to defray, any expenses of administration, or others, such as those arising from war, as "blood-money" ("diya"), &c., or from any claim which may arise.

Public Lands.

The Government of His Majesty the King of Italy, or their Representatives, will have the sole right of purchasing or dealing with public lands within the limits of the above-named territories.

Reservation of Rights of other Foreign Powers.

The Government of His Highness the Sultan undertakes to give every facility to the Government of His Majesty the King of Italy, and to use their authority to insure to the said Government their rights and powers, in order that this Agreement may attain its full effect. It is further agreed between

* See also Supplementary Agreement, 15th May, 1893, p. 958.

the High Contracting Parties that nothing contained in the following Articles of this Concession shall in any way infringe or lessen the rights accorded by the Government of His Highness the Sultan of Zanzibar to the subjects or citizens of Great Britain, the United States of America, France, Germany, or any other foreign Powers having Treaty relations with the Zanzibar Sultanate, or the obligations which are or may be imposed by adhesion to the General Act of Berlin, 1885 (**No. 17**), or the General Act of the Brussels Conference, 1890 (**No. 18**).

Power of Italian Government to concede its Rights to an Italian Company.

ART. II. The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy to concede the administration of the towns and ports of the Benadir Coast, which form the object of the present Concession, to an Italian Company which will be charged with the administration of the towns, ports, and territories in the name of His Highness the Sultan and under his flag; but always on the responsibility of the Government of His Majesty the King of Italy. The Delegates of the Italian Company, in the name and with the authorization of the Government of His Majesty the King of Italy, may exercise all the rights agreed upon in the present Concession, may nominate all their own officers and subordinate employés, establish Courts of Justice, and adopt any measures which they may deem necessary or expedient for the protection and in the interests of the previously mentioned towns, ports, and territories.

Forts and Public Buildings.

The Government of His Highness the Sultan agrees to hand over to the Government of His Majesty the King of Italy, or to their Representatives, all the forts and public buildings existing at the time of the occupation of the Benadir towns by the Italian Administration, as well as all the proprietary rights possessed by them over the territories within a radius landwards of 10 sea miles from the towns of Brawa, Merka, and Magadisho, and of 5 sea miles from the village of Warsheik.

Taxes, Tributes, Dues, Tolls, Import and Export Duties.

The Government of His Highness the Sultan furthermore authorizes the Government of His Majesty the King of Italy, or their Representatives, to levy any taxes, tributes, dues, and tolls, import and export duties, and to take any measure which

Expenses of Local Government, Public Forces, Justice, Roads, Harbours, &c.

they may consider necessary to meet the expenses of the Local Government, for the maintenance of public forces, for the administration of justice, the construction of roads, harbours, and other public works, defensive or otherwise, and for the liquidation of debts and payment of interest upon capital expended.

Appointment of Judicial Officers.

The Governors, all the Judicial officers, and the officials of all ranks shall be appointed by the Italian Government or their Representatives.

Payment of Governors, Judges, Troops, &c.

The stipends of the Governors, Arab and native Judges, all officers and officials, and the cost of the troops, shall all be paid by the Government of His Majesty the King of Italy or by their Representatives.

Right to Trade, to hold Property, to erect Buildings, and acquire Lands, &c.

ART. III. The Government of His Highness the Sultan of Zanzibar grants to the Italian Company which, with the authority of the Government of His Majesty the King of Italy takes over the administration of the towns and territories of the Benadir Coast, which form the object of the present Concession, or to the Company's representatives, the right to trade, to hold property, to erect buildings, to acquire lands or buildings by purchase or negotiation, anywhere within the towns and territories above mentioned, with the consent of the proprietors of any such lands and houses.

Taxes, Trade, Commerce, Navigation, Fisheries, Roads, Railways, Harbours, &c.

ART. IV. The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or to their Representatives, the exclusive privilege of levying taxes on the inhabitants, and powers to regulate trade and commerce, and also navigation, to control the fisheries, to construct roads, tramways, railways, canals, harbours, telegraphs, &c.; to levy taxes and dues on these works of public

Power to Control or Prevent Import of Arms, Ammunition, Spirituous Liquors, &c.

utility; and also the power to control or prevent the importation of any merchandize, arms, ammunition of all sorts, alcoholic liquors, or any other goods which in the opinion of the Government of His Majesty the King of Italy, or of their Representatives, are detrimental to law, order, and public morality, and in respect of which the Government of His Highness the Sultan is under no obligation to other Governments. But it is clearly understood that the exercise of these rights and privileges shall be in conformity with the Treaties existing between the Zanzibar Sultanate and foreign Powers, and with the obligations which are or could be imposed by adhesion to the General Act of Berlin, 1885 (**No. 17**), and to the General Act of the Brussels Conference, 1890 (**No. 18**).

Custom-houses. Smuggling.

ART. V. The Government of His Highness the Sultan of Zanzibar authorizes the Government of His Majesty the King of Italy, or their Representatives, to establish custom-houses and to levy dues and tolls on any vessels and goods arriving at or departing from the ports before-mentioned, and to take all necessary measures for the prevention of smuggling, subject in all cases to the Treaties, Acts, and Conventions above named.

Banks.

ART. VI. The Government of His Highness the Sultan of

Zanzibar grants to the Government of His Majesty the King of Italy, or their Representatives, the right to establish a bank or banks, in the towns which form the object of the present Concession, with the exclusive privilege of issuing notes and gold, silver and copper moneys, on the condition that they conform to any engagements previously entered into by His Highness the Sultan or by his predecessors.

Duration of Concession for 25 Years.

ART. VII. All the aforesaid powers, rights, and privileges are granted to the Government of His Majesty the King of Italy, or their Representatives, for a term of 25 European years, to commence from the day on which the present Concession shall be approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

Power of Renewal of Concession.

At the expiration of this term of 25 European years the present Concession can be renewed for a corresponding term of 25 years, on the same conditions, by a simple declaration to that effect on the part of the Government of His Majesty the King of Italy.

*Reversion of Public Works, Buildings, &c., to Sultan of Zanzibar after 25 or 50 Years.**

At the expiration of the term of 25 years or 50 years all the public works, buildings, railways, &c., shall revert to the Government of His Highness the Sultan, if they so desire it, at a valuation to be fixed by arbitrators chosen by both parties; except such buildings and constructions as shall have been handed over gratuitously by the Government of His Highness the Sultan to the Government of His Majesty the King of Italy, or their Representatives, which shall be returned in like manner (gratuitously).*

* See Supplementary Agreement, 15th May, 1893, p. 958.

"Régie," or Lease of Customs.

ART. VIII. The Government of His Highness the Sultan of Zanzibar grants to the Government of His Majesty the King of Italy, or their Representatives, the "règie," or lease, of the Customs in the above-mentioned ports for the period of 25 years or 50 years, as aforesaid, on the following conditions, namely:—

The Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan of Zanzibar a sum of 40,000 rupees, as a premium, on the Italian Administration taking over possession of the ports, towns, and territories which form the object of the present Concession, and thereafter the sum of 40,000 rupees at the end of each quarter of the European year.*

Duties not to be Claimed twice over.

But it is clearly understood that the Government of His Highness the Sultan of Zanzibar shall not claim twice over the import and export duties on the trade in the towns of the Benadir Coast which form the object of the present Concession,

Drawbacks.

and that the Government of His Majesty the King of Italy, or their Representatives, shall be entitled to claim a "drawback" for the amount of any customs duties which may be paid direct to the Government of His Highness the Sultan of Zanzibar on any imports to or exports from the ports of the Benadir Coast, from the date of the present Agreement coming into force.

Administrative, Judicial, and other Powers. Most-favoured-nation Treatment.

ART. IX. It is clearly understood that all administrative, judicial, and other powers granted by the present Agreement shall be exercised by the Government of His Majesty the King of Italy, or by their Representatives, in the name of His High-

* See Supplementary Agreement, 15th May, 1893, p. 958.

ness the Sultan of Zanzibar's Government, and under his flag, and that the Government of His Majesty the King of Italy, or their Representatives, shall enjoy all the rights, privileges, immunities, and advantages which are, or hereafter may be, accorded to any other Government, Company, or individual, to whom the Government of His Highness the Sultan of Zanzibar may have granted or may grant Concessions in other parts of his dominions, whether similar to those granted under the present Concession, or of a different character.

System of Annual Payment not to be altered without consent.

But the Government of His Majesty the King of Italy undertakes not to claim the right of altering the system of annual payment established by the present Concession, save with the consent or on the initiative of the Government of His Highness the Sultan, or the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India.

Date for commencement of Agreement.

ART. X. The present Agreement shall come into force whenever the Government of His Majesty the King of Italy shall deem expedient, by their giving to the Government of His Highness the Sultan of Zanzibar one clear month's previous notice.

The Government of His Majesty the King of Italy shall be responsible to the Government of His Highness the Sultan of Zanzibar for the payment of the sums stipulated for in Article VIII of the present Agreement, but only from the date on which they may take over charge of the whole Administration, as above specified; it is further understood that the time of the gratuitous transfer of the custom-houses, lands, forts, public buildings, proprietary rights, &c., which the Government of His Highness the Sultan of Zanzibar possesses in the towns and territories above described, shall be fixed by special Agreement, and that a schedule of them shall be then given by the Government of His Highness the Sultan.

Agreement to be Approved by Queen of Great Britain and King of Italy.

ART. XI. The present Agreement shall be of value only when it has been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.*

No Objection on part of Sultan to Concession of Towns, &c., on Benadir Coast to Italy.

ART. XII. His Highness Seyyid Ali, Sultan of Zanzibar, has declared by his letters of 14 Rejeb, 1307 (6th March, 1890), to Mr. Mackenzie, and of 5 Moharrem, 1310 (31st July, 1892), to Mr. Portal, that he has no objection to make to the Concession of the towns, ports, and territories of the Benadir Coast to Italy, and that he will accept whatever arrangement may be made and approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, the Protecting Power of the Sultanate of Zanzibar.

French or English Texts to be Appealed to in cases of differences arising.

The present Agreement has been made out in six copies, two of which are written in the English, two in the French, and two in the Arabic language, all of one and the same tenour. Should differences arise as to the interpretation of the stipulations of the present Concession, the French or English texts alone shall be considered decisive.

In faith whereof Sir Gerald H. Portal, Her Britannic Majesty's Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar, this 12th day of August, 1892.

(L.S.) G. H. PORTAL.
(L.S.) P. COTTONI.

* See Supplementary Agreement, 15th May, 1893, p. 958.

No. 204.—*SUPPLEMENTARY AGREEMENT to the Agreement between Zanzibar and Italy of 12th August, 1892, for the Provisional Administration by the Italian Government of the Benadir Ports for the term of Three years. Signed at Zanzibar, 15th May, 1893.**

The Government of His Highness the Sultan of Zanzibar and of its Dependencies on the East Coast of Africa grants by the present Supplementary Agreement to the Government of His Majesty the King of Italy the right to administer provisionally for a term of three years, according to the stipulations of the Convention of the 12th day of August, 1892 (**No. 203**), signed *ad referendum* by M. Pierre Cottoni and Sir Gerald Portal, the ports, towns, and territories on the Benadir Coast enumerated in Article I of the said Convention, on the conditions specified in the following Articles:—

Payment to be made by Italy to Zanzibar in event of Evacuation of Benadir Ports.

Art. I. Should the Government of His Majesty the King of Italy, or the Company by which they shall be represented, evacuate the said Benadir towns within or at the conclusion of the term of three years, dating from the 16th day of July, 1893, and thus abandon the Agreement signed *ad referendum* on the 12th day of August, 1892 (**No. 203**), the Government of His Majesty the King of Italy undertakes to pay to the Government of His Highness the Sultan, immediately after the evacuation, a sum of 50,000 rupees as an indemnity for the expenses which the re-establishment of the Sultan's administration in the Benadir towns and ports would occasion to the Government of His Highness; this indemnity to be raised to 100,000 rupees if any

* This Agreement was approved by the Italian Chamber of Deputies, and came into force in the middle of July, 1893.

warlike operations have taken place in the country during the three months preceding the evacuation.

Reversion of certain Public Works to the Sultan.

ART. II. Should the evacuation of the towns and ports on the Benadir Coast contemplated in the previous Article take place, such public works as roads, leading marks, or other works to which a money value cannot be assigned, which the Italian Company could not transfer to a third party nor continue themselves to work for profit, shall revert without compensation to the Government of His Highness the Sultan. The disposal of all other public works shall be regulated by Article VII of the Convention of the 12th day of August, 1892.

Customs: Payment of Premium of 40,000 *Rs. by Italy to Zanzibar.*

ART. III. The premium of 40,000 rupees which the Government of His Majesty the King of Italy has undertaken to pay to the Government of His Highness the Sultan of Zanzibar, in accordance with Article VIII of the Agreement of the 12th August, 1892 (**No. 203**), shall only be paid when the said Agreement shall come definitely into force, to wit, after the termination of the three years of provisional administration granted by the present Supplementary Agreement, and on condition that the country be not evacuated by the Government of His Majesty the King of Italy at the conclusion of this provisional period.

Duration of Present Agreement.

ART. IV. The provisional administration for three years in accordance with the stipulations of the Agreement of the 12th day of August, 1892 (**No. 203**), which is the object of the present Supplementary Agreement, shall commence from the 16th day of July, 1893, and shall terminate on the 15th day of July, 1896, during which period all the clauses and conditions of the Agreement of the 12th August, 1892, shall be held to be in force, subject to the modifications made therein by the present Agreement.

Execution of Agreement.

ART. V. Should no evacuation of the towns and ports on the Benadir Coast have taken place before the 15th day of July, 1896, the Agreement signed *ad referendum* on the 12th day of August, 1892 (**No. 202**), by M. Pierre Cottoni and Sir Gerald Portal shall, with all its clauses and conditions, from and after that date have full force.

ART. VI. The present Agreement shall be of none effect until it shall have been approved by the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, and by the Government of His Majesty the King of Italy.

ART. VII. The present Agreement has been drawn up in six copies, three in English and three in French.

In faith of which Mr. Rennell Rodd, Her Britannic Majesty's Acting Diplomatic Agent and Consul-General, and M. Pierre Cottoni, Acting-Consul for His Majesty the King of Italy, have signed these presents and affixed their seals.

Done at Zanzibar this 15th day of May, 1893.

(L.S.) RENNELL RODD, *Her Britannic Majesty's Acting Diplomatic Agent and Consul-General.*

(L.S.) COTTONI, *Acting Consul for Italy.*

The Sultan of Zanzibar to Mr. Rodd.

(Translation.)

(After compliments.) *Zanzibar, May*, 14, 1893.

As to the wishes of our friends the Italians regarding the Benadir ports, I hereby appoint you and give you full power in that matter to do what may seem good to you, and it is better to have this matter settled by your Honour. I have faith in you that you will do nothing but good for us.

Written by his order by his slave—

SALEM-BIN-MAHOMED.

No. 205.—*AWARD of the Governor-General of India for the Settlement of Differences between the Sultan of Muscat and the Sultan of Zanzibar. Recognition of the Independence of their respective States. 2nd April*, 1861.*

The Governor-General of India to the Sultans of Zanzibar and Muscat.†

Fort William, 2nd April, 1861.

BELOVED AND ESTEEMED FRIEND—

I address your Highness on the subject of the unhappy differences which have arisen between yourself and your Highness's brother, the Imam of Muscat, and for the settlement of which your Highness has engaged to accept the arbitration of the Viceroy and Governor-General of India.

Having regard to the friendly relations which have always existed between the Government of Her Majesty the Queen and the Government of Oman and Zanzibar, and desiring to prevent war between kinsmen, I accepted the charge of arbitration between you, and in order to obtain the fullest knowledge of all the points in dispute, I directed the Government of Bombay to send an officer to Muscat and Zanzibar to make the necessary inquiries. Brigadier Coghlan was selected for this purpose, an officer in whose judgment, intelligence, and impartiality the Government of India reposes the utmost confidence.

Brigadier Coghlan has submitted a full and clear report of all the questions at issue between your Highness and your brother.

I have given my most careful attention to each of these questions.

The terms of my decision are as follows:—

* This Award was accepted by the Sultan of Muscat on the 15th May and by the Sultan of Zanzibar on the 25th June, 1861. (See "S.P.," vol. lvi, pp. 1397, 1398.)

† Similar letters were addressed by the Governor-General of India to H. H. Syud Majeed, Sultan of Zanzibar, and to H. H. Syud Thowaynee Bin Saeed bin Sultan, of Muscat.

[Independence.]

1st. That his Highness Syud Majeed be declared ruler of Zanzibar and the African dominions of his late Highness Syud Saeed.

2nd. That the ruler of Zanzibar pay annually to the ruler of Muscat a subsidy of 40,000 crowns.

3rd. That his Highness Syud Majeed pay to his Highness Syud Thowaynee the arrears of subsidy for two years, or 80,000 crowns.

I am satisfied that these terms are just and honourable to both of you; and as you have deliberately and solemnly accepted my arbitration, I shall expect that you will cheerfully and faithfully abide by them, and that they will be carried out without unnecessary delay.

The annual payment of 40,000 crowns is not to be understood as a recognition of the dependence of Zanzibar upon Muscat, neither is it to be considered as merely personal between your Highness and your brother Syud Thowaynee. It is to extend to your respective successors, and is to be held to be a final and permanent arrangement, compensating the ruler of Muscat for the abandonment of all claims upon Zanzibar and adjusting the inequality between the two inheritances derived from your father, his late Highness Syud Saeed, the venerated friend of the British Government, which two inheritances are are to be henceforward distinct and separate.

I am, &c.,
CANNING.

H.H. Syud Majeed, Sultan of Zanzibar.
H.H. Syud Thowaynee Bin Saeed bin Sultan, of Muscat.

No. 206.—*TREATY between Portugal and Zanzibar. Consular Jurisdiction, &c. Signed at Zanzibar, 25th October, 1879.**

[Ratifications exchanged at Zanzibar, 18th June, 1883.]

(Translation.)

(Extract.)

Appointment of Consuls.

ART. X. His Majesty the King of Portugal shall have power to nominate Consuls to reside in the principal ports of trade in the dominions of His Highness the Sultan of Zanzibar; these Consuls shall be always placed on the same footing as Consuls of the most-favoured nation, and enjoy the same privileges, immunities, and exemptions as within the same dominions are granted to similar public functionaries of other countries.

Property of Deceasod Portuguese Subjects.

ART. XI. The Portuguese Consuls shall have authority to receive the goods of Portuguese citizens who may die within the dominions of His Highness the Sultan, and to remit the same to the heirs, paying in the first place the debts that may be due to the subjects of His Highness the Sultan.

Exterritoriality. Consular Jurisdiction.

ART. XII. The authorities of His Highness the Sultan of Zanzibar shall not interfere in disputes between Portuguese, or between them and others, subjects of Christian nations.

In disputes between a subject of His Highness and a Portuguese, if the complaint shall be made by the former, it shall be dealt with by the Portuguese Consul, who shall give judgment; on the other hand, if the claim shall be made by a Portuguese subject against a subject of His Highness, or of any Mussulman Power, the cause shall be decided by the highest authority of His Highness the Sultan, or by some one named by him, the

* S. P., vol. lxx, p. 1246.

matter being for this purpose brought before the knowledge of His Highness by the Portuguese Consul. In the event of the case being judged by some one named by His Highness, it shall not be proceeded with unless in the presence of the Consul above referred to, or of some one named by him.

Should, however, a Portuguese subject be in the service of the Government of His Highness, and have previously given his subjection to the jurisdiction of the country and declared to this effect at the Portuguese Consulate, he shall be tried by His Highness in like manner as the subjects of His Highness in the service of the Portuguese Consulate shall be tried by that Consul.

Art. XIII. Should a Portuguese become bankrupt within the dominions of His Highness the Sultan of Zanzibar, the Portuguese Consul shall take account of all the goods of the bankrupt and give them over to his creditors for division among them. This being done, the responsibility of the bankrupt shall cease towards his creditors, and he shall not be required to pay the deficit out of any goods which he may subsequently acquire; but the Portuguese Consul shall, in the interest of the creditors, make every endeavour to secure the delivery of all the goods which the bankrupt may possess without reserve at the time that he shall have been declared insolvent.

Art. XIV. If a subject of His Highness the Sultan of Zanzibar shall refuse or evade payment of a debt due to a Portuguese, the authorities of His Highness shall render the creditor every help and facility in order that he may obtain what is due. In the same way the Portuguese Consul shall give all help to the subjects of His Highness in the recovery of debts which they may have to claim from Portuguese.

Art. XV. His Highness the Sultan of Zanzibar shall have the power to nominate Consuls in the towns and harbours of the dominions of Portugal for the protection of his own interests and those of his subjects, and such Consuls shall enjoy the same rights, liberties, and privileges as may be granted to the Consuls of the most-favoured nation.

No. 207.—*TREATY between Muscat and the United States, respecting Consular Jurisdiction. 21st September*, 1833.*

Appointment of United States Consuls. Jurisdiction, Privileges, Inviolability of Domicile, &c.

(Extract.)

ART. IX. The President of the United States may appoint Consuls to reside in the Ports of the Sultan where the principal commerce shall be carried on, which Consuls shall be the exclusive judges of all disputes or suits wherein American citizens shall be engaged with each other. They shall have power to receive the property of any American citizen dying within the Kingdom, and to send the same to his heirs, first paying all his debts due to the subjects of the Sultan. The said Consuls shall not be arrested, nor shall their property be seized, nor shall any of their household be arrested, but their persons and property, and their houses, shall be inviolate. Should any Consul, however, commit any offence against the laws of the Kingdom, complaint shall be made to the President, who will immediately displace him.

* S.P., vol. xxii, p. 587. Ratifications exchanged at Muscat, 30th September, 1835. Treaties concluded by Muscat with Foreign Powers before 10th March, 1862, are applicable also to Zanzibar. See also Treaty, 3rd July, 1886, p. 966.

No. 208.—*TREATY between the United States and Zanzibar, enlarging and defining the Stipulations of the Treaty between the United States and Muscat of* 21*st September,* 1833,* *respecting Consular Jurisdiction, &c. Signed at Zanzibar,* 3*rd July,* 1886.

[Ratifications exchanged at Zanzibar, 29th June, 1888.]

ART. I.—*Import Duties. Spirituous Liquors.*

Consular Jurisdiction.

ART. II. The Consuls of the United States appointed under the stipulations of the IXth Article of the Treaty above mentioned (21st September, 1833, **No. 207**) shall, in addition to the rights, powers, and immunities secured by said Article, enjoy all the rights, privileges, immunities, and jurisdictional powers which are now or may hereafter be enjoyed by the Consuls and Consular Agents of the most-favoured nations, and, conversely, the Consuls and Consular Agents which His Highness the Sultan may appoint to reside in the United States shall have the treatment of Agents of like grade of the most-favoured nation.

* S. P., vol. lxxviii, p. 777.

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